# AT Theory (General)

Case outweighs theory. Pell Grants discourse is key to real world reform.

**Abdul-Alim 12** writes[[1]](#footnote-1)

John J. Farmer, Jr., former New Jersey attorney general and now **Dean** and Professor **of Law at** the **Rutgers** School of Law, **called** the restoration of **Pell grants for prisoners “one of the most important dialogues we can have in** the context of **law enforcement.”** “I think that education in our prisons is the key to preventing recidivism,” Farmer said. Farmer made his remarks Thursday at the Rutgers University Paul Robeson Campus Center during an event titled “Pell Grants and Prison Education: How Pell Grant Access in Prison Transforms Lives.” Among those who spoke in support of lifting the ban on Pell grants to prisoners was Dallas Pell, daughter of the late U.S. Sen. Claiborne Pell, father of Pell grants. Pell, who is founder of an organization called Pell Grants for Public Safety, said providing education for individuals in prison is a “no-brainer” and “one of the most effective tools we have to make our community safe.” Pell and various speakers noted how a plethora of studies have repeatedly found that higher education for prisoners significantly reduces their likelihood of returning to prison. Indeed, a 2005 Institute for Higher Education report, titled “Learning to Reduce Recidivism,” noted how “research consistently demonstrates that participation in educational programs while incarcerated reduces recidivism rates by increasing an individual’s ability to successfully rejoin mainstream society upon release from prison.” The paper also recommends restoration of Pell grants for prisoners. While academic support for education in correctional settings is easy to find, political will to lift the federal ban on Pell grants to prisoners has been more difficult to garner. **Farmer** said toward the end of his stint as New Jersey Attorney General from 1999 to 2002, he **tried to sponsor legislation** that would provide for increased educational opportunities for prisoners in order to make it easier for them to reenter society. “At the time **there** just **was no traction** among the political people to pass legislation like this,” Farmer said. The group that organized Thursday’s discussion – **The E**ducation from the **I**nside **O**ut Coalition – has faced similar challenges. Over the past few years, the organization has **approached key members of Congress** and, more recently, officials at the U.S. Department of Education in an attempt to get them **to reverse the** 1994 **ban** on Pell grants for incarcerated individuals. Each time, those involved in the effort say, they leave the table with the idea that **they must first build** broad **public support before any official will take the issue on.**

# Plans Good (Counter-Interp)

**Counter-interpretation**: aff can defend plans with expert evidence that shows the plan is a significant issue at the center of topic lit.

I meet. Buzzini 9 from the AC says that Pell Grants are rehab and the main issue in prison education.

Reasons to Prefer:

1. In depth education. Extend the warrant from the AC. Plans are key to depth because we can focus on a single issue each round. He concedes depth is key to education – otherwise we’ll only have superficial knowledge of the topic.

2. Plans are key to research. Extend the warrant. If the same stock issues apply every round, there’s no incentive to do continued research on the topic.

Education is a voter because it’s the end goal of debate. Substance doesn’t matter unless there’s an educational benefit to discussing it. This warrants an aff ballot independent of an RVI. If my interp is most educational, vote for me to promote it.

Education comes first:

(a) fairness only matters until you sign your ballot. Education has out of round impacts.

(b) Education is more quantifiable whereas fairness is subjective.

(c) Complete fairness is impossible. Side bias and resource disparities are inevitable.

(d) If you want fairness, play a board game.

But, plans are also key to fairness.

3. Reciprocity. Neg can run counter-plans which garner offense from specific cases, so aff plans are key to equal ground.

4. Ground. No ground loss because he gets generic disads like politics and most NCs that say rehab is bad.

## Fairness Frontlines

### Overview

Overview. Group his standards:

1. Counter-interp limits the aff to only plans at the core of the topic, so I provide small limits.

2. No abuse. He still gets stock ground. No reason generic NCs wouldn’t link.

3. Neg side bias impact turns his theory standards. Even if I skew ground toward the aff, that just makes the round more fair by compensating for inherent side bias.

4. Topic lit solves abuse. If he isn’t prepared to prove that education for inmates is bad, he hasn’t done enough research.

5. Neg flex solves abuse. He can think of answers in prep time.

### AT Limits

1. Cross-apply the overview.

2. TURN – he over-limits the topic because whole rez is the only topical aff. I have no strategic leeway for crafting cases.

3. TURN – my interp provides for the most predictable limits. If I defend a plan you know exactly what to link to, but if I just defend a vague whole rez interp, it’s not clear what the limits to neg ground are.

### AT Ground

1. Cross-apply the overview.

2. Status quo isn’t Pell Grants. That proves there’s good neg ground or we would have repealed the federal ban already.

3. Stock ground solves 100% of abuse. Even if Pell Grants-specific ground sucks, he still has stock NCs to fall back on.

4. Cross-apply my ground standard.

### AT Predictability

1. Cross-apply the overview.

2. TURN -- whole rez is unpredictable based on topic lit. Policy makers never implement sweeping generalizations, only plans. Topic lit determines predictability – it’s where we go for arguments.

3. No link to predictability. Pell Grants are just a mechanism for achieving inmate education. He doesn’t need to predict the mechanism because he can link disads to inmate education itself.

4. TURN –LD trends mean plans are uniquely predictable. They’ve been on the rise since the sanctions topic.

5. Disclosure solves predictability. You don’t need to guess the aff if I disclose it.

Predictability standards are bad because

**1.** They put the aff in the double bind of either running the most stock case on the topic or having the 1AR skewed by theory.

**2.** They’re anti-educational because they discourage exploration of new areas of topic lit.

**3.** If the AC must be predictable, the neg can just prep out the most stock case on the topic, so they’ll always win from the dual time and ground skew.

**4.** It’s unreciprocal. The neg gets any kritik or disad because they’re not constrained by falling within a predictable limit of the topic.

These are offensive reasons why holding debaters to predictability standards is bad, so it’s a reason to reject the debater.

## Education Frontlines

### AT Breadth

1. Extend from the AC that there’s no unique impact to breadth. If we go in depth on a different issue each round, we’re going to get a breadth of info anyway.

2. Research incentive outweighs breadth. Broad topics are useless if there’s no incentive to prep for every aspect of them.

3. TURN – Plans are key to breadth. They let us explore different areas of the topic instead of focusing on the same stock args.

### AT Clash

1. No impact to clash – the education happened before the round whether we clash or not.

2. TURN – plans are key to clash because they force us to focus on the same issue instead of talking past each other.

3. TURN – whole rez kills clash because it allows vague cases that shift out of clashing arguments.

4. Lack of clash is inevitable – most rounds get decided on dropped arguments, not substantive clash.

AT Clash is the only form of education unique to debate

1. Clash isn’t unique to debate. We can argue outside of round.

2. TURN – my research incentive standard is unique to debate. There’s no incentive to research outside of debate if there’s no trophy or status attached to winning.

# AT Effects T

## I Meet

1. I meet. Pell Grants directly fund reentry programs. There is no more direct plan than the aff.

2. I meet. All of my Pell Grants-specific evidence describes the plan as rehab.

3. I meet. Neg can’t win a violation without a counter-definition of “rehab.” You can’t prove that rehab is only an effect of the plan without knowing what rehab is.

## Counter-Interp

Counter-interp: Rehabilitation means a funding mechanism for a reentry program.

I meet. Reasons to prefer.

First, this definition sets the best limits. Here’s a caselist. **Nielson 11** writes[[2]](#footnote-2)

Rehabilitation has been considered a primary goal of the prison system throughout the twentieth century, even though it has not been in vogue for many decades (Harvard Law Review, 2010). The debate about rehabilitation has a long, complex history in the US. Bottom line: "Effective programming requires money, effort, and a recommitment to rehabilitation. But it is not only an investment in safe prisons and jails. It is also an investment in safe and healthy communities" (Gibbons & Katzenbach, 2006). Rehabilitation is a critical to overcome the collateral consequences of being a convict which limit the convicted individuals social, economic, and political opportunities after release (Pinard, 2006). If society wants ex-prisoners to succeed, to be rehabilitated, then it has to provide them tools while they are still incarcerated to prepare for the moment of release to reenter society and reenter their families and communities. Reentry begins inside the prison with programs that provide inmates with the stability necessary to transition back into their communities (Muhlhausen, 2010). **Offender reentry programs would be an excellent way to narrow a debate about rehab**ilitation, but before I get to the sorts of affirmative and negative I think are viable under a prison rehabilitation topic, I would like to discuss the benefits of prison reform as a controversy area to the debate community.

**[…]**

The following discussion is focused around mainstream reentry and **rehab**ilitation **programs** which **could be** increased (**created** or expanded) **by Congress. One clear option** for prison reform **is** the improvement of and increase of **education** and training programs. "Prisoners--who are less likely to have completed high school or obtained a General Equivalency Diploma (GED) than the general population--typically enter prison with an educational disadvantage. In fact, there is a direct correlation between a lack of education and the probability of incarceration" (Colgan, 2006). Leaving prison with that same education deficiency has been linked to recidivism; in contrast, educational programs are linked with lowering recidivism (Colgan, 2006). Basic education, vocational programs, & post-secondary education are all possible affirmatives on a prison reform topic (Nixon et al, 2008). Affirmatives may mandate vocational programs offering particular career training to fill holes in the economy (Colgan, 2006). Affirmatives could reform the fees system used by education programs which would encourage enrollment in education programs. **Aff**irmatives **could provide incentives for community college**s to offer **programs for prisoners** to help **with** applications, necessary testing, and **financial aid.**

**Another** affirmative option **is work release**. The unemployment rate for ex-offenders is 33% (Burt, 2010). "There are a number of studies that demonstrate that employment is a fundamental component of the reentry process, and that ex-offenders who are able to find stable employment are much more likely to succeed in their rehabilitation than those who cannot find work" (Nuñez-Neto, 2008). Without income offenders are likely to commit another crime as a means of support (Burt, 2010). "Employment is one of the strongest predictors that an ex-offender will be successful after release and not backslide into crime" (Nuñez-Neto, 2008). If ex-offenders face continual rejection in the labor market, then they are more likely to give up looking for a job and turn to criminal activity to provide an income. Work release allows prisoners to engage in full-time or part-time employment in order to facilitate their re-entry into the labor market after release. Legislation could introduce partnerships between the states Department of Corrections and businesses to provide incentives for businesses to hire prisoners from work release programs post-release (Colgan, 2006). The federal government could also create temporary job programs for ex-prisoners (Burt, 2010).

**Drug** and alcohol **treatment programs** are a practical necessity that many affirmatives could advocate. "Nationally, at least 30 percent of convicted persons report they used illegal drugs at the time of their offense" (Colgan, 2006). Roughly 80% of prisoners report drug use in their history, even if not at the time of the crime (Colgan, 2006). Providing chemical dependency treatment programs would help a large segment of the prison population. The general population believes that putting an addict in prison eliminates their ability to access the substances of their addiction which cures the addiction, but after release without a treatment program many recovering addicts return to substance abuse (Kendrick, 2011). There is solid empirical evidence that ordering inmates into treatment programs and getting them to participate in treatment reduces recidivism (Kendrick, 2011).

**Health** services are a fundamental need in prisons. Health care costs are a huge issue for prison systems and when the state is completely responsible for footing the bill the quality of inmate care may suffer (Quinn, 2009). Inmate health care "is frequently so inadequate that "preventable suffering and death behind bars" has been "normalized" (Dolovich, 2009). There are facilities with four or five thousand prisoners and only three or four doctors and some physicians are limited to work in correctional facilities because they are not qualified to care for the general population (Gibbon & Katzenbach, 2006). Courts have held that inmates have the right to health care, but the quality of the care is still up for debate (Quinn, 2009). 30 states have some form of co-payments for health care required of inmates which discourages prisoners from seeking treatment (Quinn, 2009; Gibbon & Katzenbach, 2006). The Commission on Safety and Abuse in America's Prisons recommends co-pay laws be revoked and Medicaid and Medicare be extended to eligible prisoners (Gibbon & Katzenbach, 2006). Mental health services are desperately needed in prisons. The prevalence of mental illness in prisons is 2 to 4 times higher than that of the general public (Colgan, 2006). Many prisoners do not receive any treatment for mental illness. There is a lack of staffing, medication, and supervision for prisoners with mental illnesses. "The consequences of failing to provide mental health care include suffering, self-mutilation, rage and violence, unnecessary placement in segregation, victimization, and suicide" (Colgan, 2006). The lack of mental health care also poses a risk to inmates who are not ill because inmates with mental illness are more likely to cause disciplinary problems than other inmates. Another significant problem is the inability to reenter society; untreated mental illness makes it more difficult for inmates to become productive, law-abiding citizens (Kendrick, 2011). The most common treatment is segregation which mental health professional argue often worsens the illness (Colgan, 2006). Children **& family services** are an important part of successful rehabilitation. 1.5 million children have parents in the DOC (Colgan, 2006). There is significant evidence about the impact of prisons on family and social networks. Children are taken from parents when they are incarcerated and often there is no visitation once the children are removed. Family structures face intense strain when prisoners reenter the family (Lyles-Chockley, 2009). Parents strain to reconnect with their children and children can go through serious trauma as parents reenter their lives; neither have had a chance to build a relationship during incarceration (Lyles-Chockley, 2009). The racial disparities in incarceration rates have a devastating impact on communities practically dissolving important social networks, particularly in black families (Lyles-Chockley, 2009). There will be affirmatives providing services for prisoners to interact with their children (Colgan, 2006).

**The largest aff** on the topic **would be comprehensive transition**al service programs, which are all in one programs including education, job training and placement, life skills, family reunification services, assistance, chemical dependency treatment, and mental health services (Colgan, 2006). Several states (Tennessee, Hawaii, & New York) have comprehensive programs that could be modeled on a federal level (Colgan, 2006). Holistic reentry services provide for prisoners needs across the board instead of in small pieces. Comprehensive reentry programs recognize the linkages between jobs, education, and social services. "By starting a prisoner with a Plan which identifies all of his or her needs and addresses them holistically, the likelihood of success while in prison and upon release are improved" (Colgan, 2006). In general, access to social services which some are explicitly denied would help convicts overcome significant obstacles to reentry.

2. His conception of effects T makes being aff impossible. Every aff violates. There’s always an intermediate step like signing a bill or hiring rehab staff that happens before rehab.

3. It’s core aff ground. There are almost no rehab programs in the squo. There’s no way for the aff to garner offense without funding them first.

4. No in round abuse. I don’t claim any advantages on the effects topical portion of the plan. No reason theory comes first if there’s no in-round skew.

5. No terminal impact. I’ve been running this plan all topic, it’s on the wiki and it’s all over the topic lit. It’s not unpredictable. You should be prepared.

## Theory Overview

1. Evaluate theory through reasonability. Competing interps means every round comes down to theory, killing topic education. Intervention is non-unique in blippy theory debates.

2. Hard debate is good debate. I’m doing them a favor.

3. He has to go for either theory or substance in the NR. 2AR is too short to cover both.

4. Neg side bias impact turns his standards. More Aff ground is good since it compensates for side bias. Negs won 6% more rounds at VBT on this topic.

5. The purpose of the AC is to make me win. That's not proof of abuse. It's proof I'm a good debater.

6. Neg flex solves abuse. He can think of answers in prep time.

7. Topic lit solves abuse. If he isn’t prepared to prove that education for inmates is bad, he hasn’t done enough research.

8. Reject the arg solves the abuse. Key to avoid unnecessary theory. Mooting the AC is sufficient deterrence.

## AT Predictability

1. Disclosure solves predictability. You don’t need to predict the aff if I disclose it.

2. TURN – FX T kills predictability. Forces aff to choose the most direct plans instead of the ones with the largest lit base.

3. TURN – Pell Grants for inmates are uniquely predictable. They’re the lynchpin of all prison education; that’s Buzzini 9.

Predictability standards are bad because

**1.** They put the aff in the double bind of either running the most stock case on the topic or having the 1AR skewed by theory.

**2.** They’re anti-educational because they discourage exploration of new areas of topic lit.

**3.** If the AC must be predictable, the neg can just prep out the most stock case on the topic, so they’ll always win from the dual time and ground skew.

**4.** It’s unreciprocal. The neg gets any kritik or disad because they’re not constrained by falling within a predictable limit of the topic.

These are offensive reasons why holding debaters to predictability standards is bad, so it’s a reason to reject the debater.

## AT Ground

1. He has generic impact turn ground. Checks back any unpredictable advantages.

2. No ground skew because I don’t claim any offense off the FX topical portion of the plan.

3. TURN – I increase neg ground because he can link to either the topical portion or the effects topical portion.

4. No risk of abuse because he always has the option to concede that rehab is an effect of the plan and go for his rehab bad arguments.

# Implementation Good

## Counter-Interp

Counter-Interpretation – Aff can defend implementation of a topical policy option if it’s the Pell Grants Plan.

Reasons to Prefer

1. Extend from the AC that you default to field context to determine T violations. That determines whether the Plan’s in the lit base. I meet. Pell grants are considered rehab in the lit, and the ban on pell grants is retributive – that’s Buzzini 09.

2. Extend from the AC that plans are key to fairness. They’re core Aff ground.

**A-subpoint** is that plans are key to stable advocacy so neg can’t moot the AC with definitional tricks.

**B-subpoint** is that whole rez is incoherent. The state can’t use every competing rehab policy on every prisoner.

And, extend from the AC that plans are key to education.

**A-subpoint** is in depth education. Extend the warrant from the AC. Plans are key to depth because we can focus on a single issue each round. He concedes depth is key to education – otherwise we’ll only have superficial knowledge of the topic.

**B-subpoint** is research incentive. Plans are key to research. Extend the warrant. If the same stock issues apply every round, there’s no incentive to do continued research on the topic.

Education is a voter because it’s the end goal of debate. Substance doesn’t matter unless there’s an educational benefit to discussing it. This warrants an aff ballot independent of an RVI. If my interp is most educational, vote for me to promote it.

If I win education comes first, that’s game over on the theory debate.

Education comes first:

(a) Fairness only matters until you sign your ballot. Education has out of round impacts.

(b) Education is more quantifiable whereas fairness is subjective.

(c) Complete fairness is impossible. Side bias and resource disparities are inevitable.

(d) If you want fairness, play a board game.

## Extinction Disad

Debating specific nuclear scenarios is key to stave off actual nuclear war.

**Harvard Nuclear Study Group 83** writes[[3]](#footnote-3)

The question is grisly, but nonetheless it must be asked. **Nuclear war cannot be avoided** simply **by refusing to think about it.** Indeed the task of **reducing** the likelihood of **nuclear war should begin with** an effort to **understand[ing] how it might start. When strategists in Washington** or Moscow **study** the possible origins of **nuclear war, they discuss “scenarios,”** imagined sequences of future events that could trigger the use of nuclear weaponry. Scenarios are, of course, speculative exercises. They often leave out the political developments that might lead to the use of force in order to focus on military dangers. That nuclear war scenarios are even more speculative than most is something for which we can be thankful, for it reflects humanity’s fortunate lack of experience with atomic warfare since 1945. But imaginary as they are, **nuclear scenarios can help identify problems not understood or dangers not yet** prevented because they have not been **foreseen.**

Extinction outweighs fairness on magnitude, so vote here first.

## Textuality

“Resolved” means a policy.

**Words and Phrases 64** writes[[4]](#footnote-4)

**[The] Definition of** the word **“resolve,”** given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to the word “enact,”** which is defined by Bouvier as **meaning “to establish by law”.**

“Ought” can only refer to action, even in the context of “ought to be.”

**Prichard 12** writes[[5]](#footnote-5)

But this argument, if it is to restore the sense of obligation to act, must presuppose an intermediate link, viz., the further thesis that what is good ought to be. The necessity of this link is obvious. An "ought," if it is to be derived at all, can only be derived from another "ought." Moreover this link tacitly presupposes another, viz., that the apprehension that something good which is not an action ought to be involves just the feeling of imperativeness or obligation which is to be aroused by the thought of the action which will originate it. Otherwise the argument will not lead us to feel the obligation to produce it by the action. And, surely, both this link and its implication are false.[1](http://www.ditext.com/prichard/mistake.html#1) **The word "ought" refers to actions and to actions alone.** The proper language is never "So and so ought to be," but "I ought to do so and so." **Even if we** are sometimes moved to say that the world or something in it is not what it **ought to be, what we really mean is** that God or **some human** being has not made something what he **ought to have made it**. And it is merely stating another side of this fact to urge that we can only feel the imperativeness upon us of something which is in our power; **for** it is actions and **actions alone** which, directly at least, **are in our power.**

Uniquely true in a criminal justice context.

**Duff 08**[[6]](#footnote-6)

**Philosophical theories of criminal law**, whether analytical or normative, cannot subsist in isolation. They **must** have some **regard** to the **empirical actualities of that which they theorise:** to the histories of the different systems of criminal law, and to **sociological inquiries into** their actual operations. Some critical theorists believe that such historical or sociological inquiries will undercut the pretensions of philosophical theorising: that what needs analysing is not the superstructure or superficial self-presentation of the criminal law, on which philosophers tend to concentrate, but the social, **political and economic realities** lying beneath that surface**;** and that **given the oppressive** or conflictual **nature of those realities, philosophical theories** cannot amount to anything more than doomed attempts to **rationalise what is inherently irrational** or a-rational (see Kelman 1981; Norrie 2001; also *Law and Ideology*). **The only adequate reply** to these critiques of philosophical theorising **is to show** how such theorising can assist both an understanding of **what criminal law is,** and the **discuss**ion of **what it ought to be, by taking seriously** the concepts in terms of which it presents itself: that is **the task on which we embark in what follows.**

“Value” requires implementation. **Urbany 08**[[7]](#footnote-7)

**Values are** enduring beliefs, both hard-wired (i.e., acquired genetically) and shaped by cultural context, **about preferred “end states.”**[2](http://sloanreview.mit.edu/article/how-to-make-values-count-in-everyday-decisions/#ref2) Whether we think about it or not, values guide our everyday behavior, even the most mundane choices. Consider the decision of whether to get up from one’s desk at work to get a cup of coffee. The decision maker may seek the coffee for physical stimulation in the interest of achievement, or perhaps to fulfill a need for affiliation in kibitzing at the coffee maker. **When the person gets up to make a coffee run,** one or both of those **values have won out over the value of staying at the desk to keep one’s nose to the grindstone. Values**, whether neutral, virtuous or not so virtuous, **drive our decision making. Even unethical**, illegal or dishonest **decisions are “values-based” — they’re just not reflective of** higher-order **“positive” values.**[3](http://sloanreview.mit.edu/article/how-to-make-values-count-in-everyday-decisions/#ref3) For example, a decision to engage in insider trading is ultimately a choice favoring the values that hail financial gain as more important than keeping one’s integrity. An athlete’s decision to use steroids might also be understood as a trade-off: short-term achievement and fame versus a healthy body and impeccable reputation. A boy’s decision to throw a rock through a window while playing with friends involves a values-based choice that emphasizes excitement and affiliation over respect and safety. These decisions are values-based even though their ends do not appear to reflect the pursuit of “good” values.

## Real-World Education

He forces us to debate about philosophy in the abstract instead of real world implementation concerns. That kills education. 90% of policymaking is deciding on implementation. **Elmore 80**[[8]](#footnote-8)

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by **policy** analysts that **decisions are not self-executing.** Analysis of policy choices matter very little if the mechanism for implementing those choices is poorly understood in answering **the** question, "What **percentage of** the **work** of achieving a desired governmental action is **done when the preferred** analytic **alternative has been identified**?" Allison estimated that in the normal case, it **was about 10 percent, leaving the remaining 90 percent in the realm of implementation**.

Real-world decision-making outweighs fairness and education.

**Strait and Wallace 7**[[9]](#footnote-9)

Why debate? Some do it for scholarships, some do it for social purposes, and many just believe it is fun. These are certainly all relevant considerations when making the decision to joining the debate team, but as debate theorists they aren’t the focus of our concern. Our concern in finding a framework for debate that educates the largest quantity of students with the highest quality of skills, while at the same time preserving competitive equity. The ability to make decisions deriving from discussions, argumentation or debate, is the key skill. It **[Decision-making] is the one thing every single one of us will do every day** besides breathing. Decision making **[it] transcends boundaries between categories of learning like “policy education” and “kritik education,**” it makes irrelevant considerations of whether we will eventually be policymakers **and** it transcends questions of **what substantive content a debate round should contain.** The implication for this analysis is that the critical thinking and argumentative skills offered by real-world decision-making are comparatively greater than any educational disadvantage weighed against them. It is the skills we learn, not the content of our arguments, that can best improve all of our lives. While **policy comparison** skills are going to be learned through debate in one way or another, those **skills are useless if they are not grounded in the** kind of **logic actually used to make decisions.**

I control the terminal impact of philosophy education. Real-world application is the only way to make philosophy meaningful. **Edet 03**[[10]](#footnote-10)

**Too much class time is occupied with questions like** ‘’What did Hegel mean by …?’’ and ‘**’What was your** third **criticism of util**itarianism**?’’** While such an approach may have paedeutic value its relevance is nonetheless questionable. The students must be encouraged to develop independent thinking ability and form opinions of their own. Pedagogical techniques, including small group discussions, debates, films and ‘’clever’’ essay examination need to be employed to illustrate the difference between knowledge by acquaintance and knowledge by description. Also practical computer and information technology (IT) training needs to be made compulsory. The students may be asked to go on a compulsory period of attachment in a computer school and show evidence of successful completion of the training before resuming their philosophical studies.

The point made here is that **philosophy must be** ‘’problem focused’’ and attempt to be **“problem solving” in socially important problems** and establish its integrative function with other disciplines**.** By so doing philosophy will affirm its relevance, significance and value with the fresh insights and perspectives it reveals to these other disciplines. The philosopher’s skills and attitude which makes him far-sighted and extra perceptive will earn him recognition and respect. The non-philosophy major groomed in the inter-disciplinary approach and who has properly cultivated the critical skills and attitude of Philosophy will bring this to bear on his major disciplines and then ultimately come to the realization that habitually and persistently he must keep an open-mind and rethink the possibilities of his discipline, he might well come to accept as legitimate some new ways of relating to other disciplines –ways which would be consistent with and employ insights of the traditions of his major discipline but still would allow a more fruitful complementary existence. The philosophy major properly groomed in the interdisciplinary approach to studying philosophy and having adequately cultivated the necessary skills and attitude is pragmatic, dynamic, mobile and versatile. He it is who can “bake bread’’. It is to this calibre of trained philosophers that Ozumba states, ‘’can work any where’’ (Ozumba;2002:3). Ozumba’s work, *A Philosophy Handbook for Beginners: Value Application and Career Opportunities for Philosophers* is a ‘’must read’’ for Nigerian undergraduates of philosophy. Conclusion So far I have distinguished between ‘’Ivory tower’’ Philosophy and ‘’market place’’ Philosophy. **Ivory tower Philosophy** is academic Philosophy which **insists that Philosophy must** be done in the traditional professional manner with systematicity, analytic rigour, logical coherence, and technicality, mainly **address**ing **problems** and issues **in the classical traditions** of Philosophy**.** **“Market place” Philosophy**, on the other hand, though not discountenancing the need for rigorousness and systematicity, **maintains that academic Philosophy can** be done in the non-traditional manner and made to **address concrete existential problems** within our cultural circumstance **which encourages the** professional **philosopher to participate in public debate of issues of contemporary relevance.** I have also maintained that **“ivory tower” philosophy is the reason for** the **isolation**, alienation, marginalization **and perceived irrelevance of academic philosophy today.** I posit that professionalism in philosophy and its teaching should be reconceived and restructured. I propose that the interdisciplinary strategy for teaching philosophy should be promoted so as to establish the integrative function of philosophy and its integral connection with other disciplines and ultimately interdisciplinary integration. This approach, I maintain, should also stress the utilitarian aspects of the study of philosophy.

Philosophy education fails unless we prioritize pragmatic problem-solving.

**Posner 98**[[11]](#footnote-11)

Some academic moral or political philosophers aspire to be "public intellectuals." That is, they hope to communicate directly with, and so to influence, an audience not limited to other academics. It is a forlorn hope in a society such as that of the United States, in which **the public has no interest in philo**sophy**. The American public wants pragmatic solutions** to practical problems**.** The training and experience of the philosopher do not equip him to devise or even articulate such solutions. I pointed out earlier that the rejection of academic moralism does not leave us helpless to explain the phenomenon of moral change. A society's moral code changes when it is shown to be nonadaptive, when changes in material conditions (such as the recession of close combat, the advent of ultrasound images of early pregnancy, the supersession of magic by science, and the technological changes that have enabled the vastly increased participation of women in the labor force) challenge factual assertions entangled in the moral code, or when a charismatic moral leader uses nonrational methods of persuasion to alter moral feeling. Academic moralism, however, is not an agent of moral change. So too, the validity of that moralism is not demonstrated by the persistence of moral debate. Persisting, even interminable, moral disagreement and debate do not prove that there is "nothing to" academic moralism, though it is some evidence for the lack of cogency of the methods used by academic moralists. But neither do disagreement and debate prove that there is something to academic moralism. Given morality, moral pluralism, moral change, and moral emotions, we can expect moral discussion that will generate competing moral claims, whether or not it generates rational backing for those claims. The greater puzzle is the persistence of academic moralism. It is puzzling on several grounds besides the one I have been emphasizing, academic moralism's intellectual weakness. It is puzzling because the nation is in the midst of one of its periodic revivals of theistic religion ("theistic" in contrast to the kind of "secular religion" that one finds in Confucian and modern left-liberal thought), and theism is a substitute for philosophical moralism. It is puzzling because **morality is losing its grip on the** American **people,** who are increasingly **constrained** in their behavior (to the extent that they are constrained at all)**by law rather than** by **norms**, as privacy, wealth, urbanization, and education have all weakened the power of social norms to coerce behavior."l There's no dearth of moral norms today, including such novel ones as an antismoking norm and a norm of political correctness. But the new norms, and many of the old, are not imperative. **You choose the norms you like**. More precisely, you choose the community, the occupation, the church**, the social set** that has a system of norms **compatible with your character and preferences.** Of course, you might be attracted into a community, an occupation, or a church by features of it unrelated to norms, and then find yourself willy-nilly bound by its norm system. Yet one way in which communities compete is by relaxing norms. With some exceptions, such as ultra-Orthodox Judaism, modern religions in America and the other wealthy countries keep up the number of their members by reducing the cost of membership in hedonistic pursuits forgone. The persistence of academic moralism is puzzling for the further reason that the increasing scope and sophistication of the natural and social sciences have compressed the space within which a generalist 110 For a discussion of the relative effectiveness and efficiency of law and social norms, see Posner, cited above in note 41. can say anything interesting about a specific issue. Philosophy is the field of residual speculation and is constantly losing ground to specialized fields. It is more and more difficult for a philosopher to talk intelligently about social behavior. Philosophical critiques of economic policy are a case in point. An economist or sociologist would find comical the claim by a distinguished moral philosopher that private philanthropy has a built-in tendency to encourage[] a 'culture of dependency,"' and that we therefore need a welfare state."' By creating legal rights to welfare, a welfare state is more likely to encourage dependency than private charity would be, since private groups would be free to reduce or withdraw their largesse at the first sign of dependency. Another moral philosopher advocates workers' cooperatives on the ground that "environmental protection tends to harmonize more with the interests as well as the ideals of worker-managed firms than with the interest of capitalist firms," since "workers, unlike capitalists, have to live in the communities where they work and so must live with the pollution they create."112 But since workers include office workers as well as factory workers, since only some of the firm's factories may pollute, and since the effects of the pollution caused by a factory may be felt far away, the majority of a cooperative's worker- owners may not be affected by the firm's pollution. And even if they are, they have more to lose - their jobs - from pollution-control measures than shareholders would. Elsewhere in the same book it is argued that workers undervalue workplace dangers,'13 but it is not ex- plained why this should be less true of worker-owners who must choose between fewer jobs and less pollution. The plywood coopera- tives in the Northwest, the principal "success story" of worker-owned industrial firms in the United States, have, according to an admirer of worker-owned firms whom the author cites, the same dirty, noisy, and dangerous working conditions as capitalist sawmills.'14 The persistence of an academic field despite a lack of intellectual vitality or practical utility is not very surprising. Competition among universities is, in part because of their governance structure, highly im- perfect,'15 especially with regard to academic research and especially in politicized fields of research, which include not only black, gay, and gender studies but also applied moral philosophy. Still, the reasons for the persistence of this weak field deserve consideration. They are several. One is moral pluralism, which multiplies the number of moral is-sues for academic rumination. Another is a certain exhaustion in traditional philosophical inquiry, which has stimulated a search for new topics. Two other reasons, however, are more important. The first is the Nazi experience. I have referred to Nazism several times in this Arti- cle - unavoidably, given my subject matter. The revulsion against Nazism, although understandable without reference to morality, being based on altruism for the victims and fear of the perpetrators, created a demand for a really powerful vocabulary of condemnation. To write of Nazism as a failed experiment in social organization by limited, violent, and dangerous people who didn't share our values seems in- adequate to our anger. I have no objection to the employment of moral terminology to denote degrees of indignation, just as I have no objection to the use of the forms of law to express our condemnation of the Nazi leaders. Moral terminology is too persistent and pervasive a feature of our discourse to be deemed a mistake. But our use of a universalistic terminology of condemnation - our use of generalization and even exaggeration as rhetorical devices or to vent anger - does not show that there are universals that our terms denote. Appealing to universal moral values (the "brotherhood of man," for example) as a bulwark against the kind of aggressive ethnocentrism epitomized by Carl Schmitt's slogan "All right is the right of a particular Volk,"116 has a political value, whether or not universal moral values exist. Moralists warn, however, that we may not be able to repress ominous or disgusting tendencies in ourselves or others unless we believe that when we say that particular conduct or its perpetrators are im- moral, we are saying something that is universally true, rather than ex- pressing fear and revulsion or at most uttering a local truth. This may be psychologically astute, but it is no answer to the skeptic. That a belief might be socially valuable is not evidence that it is true. I don't even think it's psychologically astute. Most people more or less obey the moral code of their society, and they do so for a variety of pragmatic reasons and nonreasons. **If you are driving down a street and there is a child in the middle** of it**, you stop without thinking about whether children have moral rights greater than** those of **squirrels**; you do this whether you are a moral skeptic or a metaphysical moral realist or something in between. **A person who**somehow **managed to be**come **perfectly reflective** about his behavior **would be a** kind of **monster**; speaking for myself, I would prefer to be surrounded by ordinary, morally unreflective people (the implication of Gross's study).

A framework that incorporates philosophy and policy-focus is best, even if we aren’t literal policymakers. **Jentleson 02**[[12]](#footnote-12)

Bringing Policy Relevance Back In In the contemporary era, when debate rages not only over the foreign policy "answers" but even more fundamentally over what the defining "questions" are, dominant disciplinary norms and practices are widening **the theory-policy gap**, and **leaving the** university-based **scholarly world increasingly isolated.** Moreover, whereas thirty or forty years ago academics were the main if not sole cohort of experts on international affairs outside of government and inter- national institutions, today's world is a more competitive marketplace of ideas and expertise. The think tank world has grown and deepened-there are more of them dealing with a broader range of issues, and often doing so in ways that contribute significantly to literature building as well as policy debate. Many of the leading area and country specialists are now journalists who have done their own empirical work of intensive coverage of world trouble spots, and are also sufficiently grounded in relevant academic literature to use and contribute to it. It is both in the discipline's self-interest and part of its societal responsibility to link its scholarly mission more to the challenges that face the world. This was true before September 11; it is even truer since then. Policy relevance needs to be brought back in to international relations and to political science more generally. This is not an argument against theory. It is an argument for theory but with shifts in relative emphasis to foster greater policy relevance.31 Theory can have three important policy utilities. One is its diagnostic value. Policymakers need to be able to assess the nature of the problem they face, the trend they are observing, and the incipient warning signs they may be sensing. Often the prob- lem is less a dearth than a glut of information and the need to discern patterns, establish salience, and trace causal connections. What can otherwise be a seem- ingly overwhelming amount of information and detail can be organized, prioritized, and filtered through the framework that theory provides. Second, theory can have prescriptive value in contributing to the "conceptualization of strategies." Such analysis, while abstract and not itself in operational form, "identifies the critical variables of a strategy and the general logic associated with [its] successful use." **Theory** thus "is not in itself a strategy," but it is a valuable "starting point for constructing a strategy."32 It **must be combined with** other types of **knowledge**, especially **specific** understanding of **the particular** **situation and actor** at hand. Its value often is in providing the framework for putting a particular situation and strategy in the type of broader context that can facilitate the design and implementation of effective strategies. Third, theory can help with lesson drawing. It is bad enough for a policy to fail; but if the wrong lessons are drawn, that failure can have an additive and even a multiplier effect. Similarly, the benefits of a policy success can be coun- tered by lessons poorly drawn and leading to some future misapplication of what worked the first time. Theory deepens understanding of patterns of cau- sality within any particular case by penetrating beyond the situational and particularistic to identify independent variables of a more fundamental nature. It also helps broaden what can be learned from any particular subject or case. Bringing **policy relevance** back in thus **does not mean driving theory out.** In- ternational Organization, World Politics, International Security, and the American Political Science Review should continue to have distinct missions from Foreign Affairs, Foreign Policy, and the like. But that distinction should be in terms of how policy problems are approached, not whether attention is paid to them. Greater pride of place needs to be given to research questions defined in policy terms. What drives terrorism? Which strategies can be most effective in deter- ring it, defeating it, containing it? How better to link force and diplomacy? What about prevention, and questions raised about reducing and countering the political, social, and economic dynamics that foster and feed terrorism? Be- yond just general arguments about unilateralism and multilateralism, what strategies and structures can best achieve the goals of peace, security, stability, and justice? These are all September 11 questions-comparable delineations could be drawn for those other areas of the international agenda that were there on September 10 and have not gone away. The demand for policy- relevant research is huge; it is the supply that is lagging. This sense of praxis also needs to reshape graduate programs. A Ph.D. in po- litical science or international relations should prepare students for selected nonacademic policy careers as well as academic careers. Curriculums need to have a greater degree of flexibility and pluralism with disciplinary training still at the core but also giving greater weight to substantive depth and breadth of knowledge about policy issues and domains, about regions and countries, about cultures and languages and histories. Greater engagement outside the academy needs to be fostered and encouraged: internships in Washington or with international organizations or nongovernmental organizations, participa- tion in colloquiums not just with noted academics but with eminent policy ex- perts, and dissertation and research projects that lead to immersion in key policy issues whether historical or contemporary. Nor is this just a matter of adapting curriculums. It is as much about the messages sent, explicitly and im- plicitly, in the setting of expectations and other aspects of the socialization that is so much a part of the graduate school experience. None of this will have much impact unless the academic job market also shifts toward comparable balance and pluralism in the profiles being sought for entry-level faculty. Also, a student who takes his or her Ph.D. into a career in the policy world needs to be seen as another type of placement success, not a placement failure. Greater engagement with and experience in the policy world is to be encouraged at all stages of a career. There are many opportunities-and there can be more-to help broaden perspectives, build relationships and test and sharpen arguments and beliefs in constructive ways. The same is true for engaging as a public intellectual in the ways and on the terms discussed earlier. Ultimately it is about an ethic, about what is valued, about how professional success and personal fulfillment are defined. I am again reminded of a state- ment by Vaclav Havel, this playwright turned political dissident turned leader of his country's liberation from communism and move toward democratiza- tion, in his 1990 speech to a joint session of the U.S. Congress: "I am not the first, nor will I be the last, intellectual to do this. On the contrary, my feel- ing is that there will be more and more of them all the time. If the hope of the world lies in human consciousness, then it is obvious that **intellectuals** **cannot go** on **forever avoiding** their share of **responsibility** for the world **and hiding** their **distaste** **for politics** under an alleged need to be independent. It is easy to have independence in your program and then leave others to carry that program out. If everyone thought that way, pretty soon no one would be independent."33 None of us is likely to have the role or responsibilities that Havel has. But we too are intellectuals who must think deeply about what our roles are to be, amid the extraordinary times in which we live.

Real-world policy making education is the largest out-of-round impact. Public debates about US policy are key to national security. **Walt 91** writes[[13]](#footnote-13)

A recurring theme of this essay has been the twin dangers of separating the study of security affairs from the academic world or of shifting the focus of academic scholarship too far from real-world issues. The danger of war will be with us for some time to come, and states will continue to acquire military forces for a variety of purposes. Unless one believes that ignorance is preferable to expertise, the value of independent national security scholars should be apparent. Indeed, **history suggests that countries that suppress debate on national security** matters are more likely to **blunder into disaster, because misguided policies cannot be evaluated and stopped in time.** As in other areas of public policy, academic experts in security studies can help in several ways. In the short term, **academics are well placed to evaluate current programs, because they face less pressure to support official policy.** 41 The long-term effects of academic involvement may be even more significant: academic research can help states learn from past mistakes and can provide the theoretical innovations that produce better policy choices in the future. **Furthermore, their role in training the new generation academics of experts gives academics** an additional avenue of **influence.** Assuming they perform these tasks responsibly, **will have a[n]** positive albeit gradual-**impact on how states deal with** the problem of **war in the future.**

Roleplaying is key to create informed political advocates. **Schapp 05**[[14]](#footnote-14)

**Learning political theory is largely about acquiring a vocabulary** that enables one **to reflect** more **critically and precisely** about the terms on which human beings (do and should) co-operate for and compete over public goods, symbolic and material. As such, political theory is necessarily abstract and general. But, **competency in political theory requires an ability to move from the general to the particular and back again**, not simply by applying general principles to particular events and experiences but **by reflecting on and rearticulating concepts in the light of the particular. Role play is an effective technique for teaching political theory because it requires that students employ political concepts in a particular context so that learning takes place as students try out new vocabularies** together with their peers and a lifelong learner in the subject: their teacher.

## AT Phil Education

1. Philosophy focus is bad. It has no real world impact and trades off with topic-specific education. **Lawrence 12** writes[[15]](#footnote-15)

The most obvious benefit of embracing AEC is that we get to avoid the same deontology vs. utilitarianism vs. contractualism debate that populates almost every LD round. To some, this may seem like a disadvantage rather than a benefit, but consider the following. **First, the ethics debate has been going on for several hundred years and has not** come even close to **be[en]**ing **resolved. To think that** the **discussion** that happens **in a** 45 minute **debate has any educational value on an issue that is so** deep, nuanced, and **irresolvable is delusional. Any education**to be derived **from this issue is best accessed by** just **reading articles.**To call the dilapidated ethical discussions that currently occur in most LD rounds “good debate” is a giant misnomer. **Second, the ethics debate trades off** with a discussion of **the resolution. Since debaters have** a **limited** window of **opportunity to debate the topic, we should prefer topic-specific discussions** over generic ethics. Squads should not be able to run the same argument(s) for five years on the negative in LD instead of making new arguments on each resolution. What is more, if debate is supposed to educate its participants to become better-informed citizens and critical thinkers. An ivory tower discussion of meta-ethics has little practical value[.] for high school debaters moving forward into college and beyond.

2. No link. Even when the aff defends implementation, the framework isn’t ignored entirely.

3. No link. Implementation-focus doesn’t necessitate util. People read deon Plans all the time.

4. TURN – Implementation-focus is key to philosophy education. The alternative is dumb definitional debates about what rehab and retribution mean, which crowds out philosophical debate.

**AT Lessnoff**

1. I meet. The Plan is consistent with valuing rehabilitation.

2. “Resolved” comes first. It frames the meat of the sentence – That’s Words and Phrases 64.

3. “Ought to be” outweighs. It contextualizes what it means to value rehab – That’s Pritchard 12.

**AT Topic Lit**

1. Federal ban on Pell Grants was passed for retributive reasons, so he has answers. That’s Buzzini 9.

2. TURN – Implementation-focus is the core of the topic. **MacKenzie 09**[[16]](#footnote-16)

This discussion thus leads us to the second problem with the simple notion that people are in the correctional system because they are offenders. This explanation begs the larger question of what purpose is served by intervening in the lives of offenders. What do we hope to accomplish? Our book is designed to address this very question. It is also intended to demonstrate that theories matter because they affect correctional policy. Now, as just implied, across time **in the U**nited **S**tates **competing visions** have been set forth **of** what **corrections** should be about. We call these rival perspectives theories of corrections. They are comprised of three components. First, there is a statement of the purpose or goal of corrections. These tend to **emphasize** either restraining and inflicting pain on offenders or helping and reforming offenders. Second, each theory has **a**n implicit or explicit **blueprint for** how the correctional system should be arranged, including **policies**, practices, and organizational structure**.** Ideas thus matter; they influence what we do in corrections. Theories also breed conflict because each one demands that the correctional system be organized in a different way. Third, **theories make a claim of effectiveness**. Advocates assert **not only that a theory’s core goal is moral but also that their theory can be implemented effectively**—in short, that it “works.” For example, proponents of deterrence theory claim that we should place offenders in prison because it yields lower reoffending rates than a community sanction. Is this really the case? This is where evidence-based corrections comes in and proves critical in discerning what works and what does not work. Data, not mere opinions, should play the central role in guiding allegiance to any given correctional theory and the correctional system it proposes.

3. He has the status quo, that’s the best and most predictable ground.

4. TURN – Implementation is the core of rehab lit. **MacKenzie 9**[[17]](#footnote-17)

What we call **theories of corrections are** often referred to as philosophies of punishment. This terminology is employed because each approach—for example, rehabilitation or deterrence—is **seen as providing** a **philosophical justification for** why it is legitimate for **the state to punish someone through the criminal justice system. In the case of rehab**ilitation**, the justification** would be that the state sanctions in order to reform the wayward offender. We prefer the construct of theories of corrections, however, because it is broader in scope. It **includes not only the goal** or justification for sanctioning an offender **but** also **the accompanying blueprint for how the correctional system should be designed** in order **to achieve a** given **goal.** Thus, if **rehab**ilitation is seen as corrections’ main goal, then this **will dictate a certain kind of sentencing**, whether to have a separate juvenile court, the nature of community supervision, **and** the use of therapeutic **programs in prison.**

5. The lit on Pell Grants is massive. You just haven’t done enough research.

# Solvency

## AT Tradeoff with Non-Prison Students

1. The tradeoff is really small. Non-prison students save $5 extra when prisoners don’t receive Pell grants – that’s Chazelle 11.

*[If not in AC]*

Pell Grants are cost-effective. **Chazelle 11**[[18]](#footnote-18)

The practical benefits of educating prisoners are well documented. Over ninety percent of inmates eventually return to society; those who receive educational programming behind bars are more likely to find jobs and do without government assistance. They have greater capacity to support relatives financially, contribute in positive ways to their communities, and help their kids succeed in school and stay out of trouble. The benefits extend to the wider public, as well, as study after study shows that educating inmates reduces recidivism – the rate at which they commit new crimes leading to re-arrest or re-incarceration. Although statistics vary, it appears that recidivism among offenders who complete some college work in prison drops by ten percent or more, even if they do not finish a degree. **Postsecondary** correctional **education is**, moreover, a **cost-effective** tool for improving public safety, **since it is** invariably **less expensive than prison** (an average of $25,251 per federal inmate in 2009). By lowering recidivism it saves taxpayers’ money, and given our massive incarcerated population – over 2.3 million – it helps address the growing education gap between the US and other countries. That prisons should offer postsecondary education would therefore seem common sense, yet this trait is in short supply among our politicians. The problem lies on both sides of the political spectrum: when it comes to educating inmates or, indeed, to implementing any reform that might mitigate the harshness of our penal system, Democrats, fearful of the soft-on-crime label, are as bad as – if not worse than – Republicans. The Clinton era illustrates this well. Our jail and prison population soared under Clinton, who signed into law the Violent Crime Control and Law Enforcement Act of 1994, a bill sponsored by Democrat Representative Jack Brooks and written by then-Senator Joe Biden. Among the measures of this legislation, sometimes called the “Biden Law,” was a $9.7 billion plan to build new prisons and a sharp increase in the number of crimes subject to the death penalty. Although the bill provided $6.1 billion for prevention initiatives, it contained a bipartisan amendment egregiously counter-prevention: inmates were henceforth barred from Pell grants, the major federal source of college financial assistance for low-income students. The average grant was small, only about $1500 per student in 1994, yet the cumulative impact was huge. With passage of the 1965 Higher Education Act, on which Pell grants were based, the number of postsecondary correctional education programs shot up from twelve that year to 350 during the Reagan presidency. **Ending Pell grants to inmates saved** enough to increase grants to **non-prison students** by **a paltry $5 each** per semester, **while decimating prison postsecondary education programs.** After 1994, only eight remained open.

2. Comparative advantage. My Buzzini 9 evidence proves post-secondary prison education is decimated without Pell grants, while the Plan doesn’t fully deny non-prison students an education.

3. No trade-off. This guy would know. **Pell 93**[[19]](#footnote-19)

Mr. President, I particularly want to clarify what may be some misunderstanding about the participation of the incarcerated in the Pell grant program. It is important to understand, at the outset, that no prisoner displaces another deserving student who is not in prison. **The Pell grant program functions as a quasi-entitlement** in which a student qualifies for a grant, and the size of the grant depends on the availability of sufficient appropriations. Thus, **a student is not cut out** of the program **because a prisoner qualifies** for a grant. **If they are both eligible, they both receive a grant and there is little relationship between the two.** (1993, p. S15967)

## AT Sequester

Sequester doesn’t affect the Plan. **Good 3/1**[[20]](#footnote-20)

2. WHAT WILL BE CUT? SPARED? Most government programs will be cut, including both defense and non-defense spending, with the cuts distributed evenly (by dollar amount) over those two categories. Some **vital domestic entitlements**, however, **will be spared.** Social Security checks won’t shrink; nor will Veterans Administration programs. Medicare benefits won’t get cut, but payments to providers will shrink by two percent. The Children’s Health Insurance Program (CHIP), food stamps, **Pell grants**, and Medicaid **will** all **be shielded from the sequester.**

## AT Shortfalls

1. No budget shortfalls now – Pell Grants are solvent, enough money to avoid reducing grant size. **Nelson 13**[[21]](#footnote-21)

WASHINGTON — **Reports of** the **Pell Grant’s imminent peril have been exaggerated, according to a C**ongressional **B**udget **O**ffice **report** released Wednesday. The federal student aid program, previously thought to face a $5.7 billion shortfall in 2014, now has another year on sound financial footing. While there still is a shortfall in 2015, it is much smaller than expected. The new report, part of the Congressional Budget Office’s annual preliminary estimates of the cost of various federal programs, could transform the student aid debate in Washington in the upcoming year. Over the past two years, the Pell Grant has been under perpetual budget pressures. In order to maintain the maximum grant, Congress has ended subsidized loans for graduate students; eliminated the grace period for undergraduates’ subsidized loans; and made eligibility changes that have forced thousands of students out of the program. It’s still unclear how those changes transformed a shortfall into a surplus. But there is a surplus: **At the end of** fiscal year **2013, the program will have $9.2 billion left over. Congress could fund the program** at current annual appropriation levels -- right now, the total program cost is $36 billion, with $23 billion from annual appropriations -- **for 2014 and meet the program’s needs**, said Jason Delisle, director of the Federal Education Budget Project at the New America Foundation. The shortfall for 2015 is only $1.4 billion — much smaller than the $8.7 billion previously projected. (Note: This paragraph has been updated with additional budget analysis on the shortfall in 2015.) In September, the Education Department reported that the Pell Grant program cost $6.5 billion less than expected in the 2011-12 fiscal year, and $2.2 billion less than in 2010-11. That decrease, driven both by eligibility cuts and by a drop in spending on students at for-profit colleges, also came as a surprise to many observers. "It changes everything," Delisle said. The $1.4 billion shortfall in 2015 is "manageable," he said, and while the Pell Grant still faces long-term fiscal problems, the surprising surplus could significantly alter conversations about the bedrock federal aid program in the next two years. In recent years, the Pell Grant has increasingly been described as a program run wild, growing out of control and in need of major changes to contain costs in the long term. **While some** of those changes, as well as the money Congress pumped into the program from **changes to student loans**, **contributed to the Pell Grant's** surprising **fiscal health, the CBO report casts doubt on whether the grant's problems were as big as** they were **believed to be when cuts were made. "There was** a sort of **false urgency we have all been under**," Delisle said. The elimination of the summer Pell Grant, which let students receive two grants in one year, saved $4 billion, and ending Pell for “ability to benefit” students (those without a high school diploma or GED) saved $268 million. The savings from both add up to far less than the total surplus.

2. No impact to shortfalls. **Abdul-Alim 12**[[22]](#footnote-22)

Glenn Martin, vice president at The Fortune Society, an advocacy group that works on prisoner re-entry issues, dismissed **the** $6 billion **shortfall for the Pell Grant program** as **[is] a red herring** in the discussion about restoring Pell Grants to prisoners. He said **the Pell Grant program has faced shortfalls before and Congress has always found ways to fill them.** Asked what the actual dollar increase would be if Pell Grants to prisoners were restored, Dallas Pell cited a statistic that showed that, **before the ban, prisoners represented a fraction of a percent of** all **Pell Grant recipients.**

## AT Lifetime Eligibility Limit

1. No impact. Most people don’t need more than six years to finish their degree.

2. Studies prove the plan solves crime even if prisoners don’t finish their degree – That’s Chazelle 11.

[If not in AC]

The plan solves crime even if prisoners don’t finish their degree – That’s Chazelle 11. **Chazelle 11**[[23]](#footnote-23)

The practical benefits of educating prisoners are well documented. Over ninety percent of inmates eventually return to society; those who receive educational programming behind bars are more likely to find jobs and do without government assistance. They have greater capacity to support relatives financially, contribute in positive ways to their communities, and help their kids succeed in school and stay out of trouble. The benefits extend to the wider public, as well, as **study after study shows that educating inmates reduces recidivism** – the rate at which they commit new crimes leading to re-arrest or re-incarceration. Although statistics vary, it appears that **recidivism among offenders who complete some college** work in prison **drops by ten percent or more, even if they do not finish a degree.** Postsecondary correctional education is, moreover, a cost-effective tool for improving public safety, since it is invariably less expensive than prison (an average of $25,251 per federal inmate in 2009). By lowering recidivism it saves taxpayers’ money, and given our massive incarcerated population – over 2.3 million – it helps address the growing education gap between the US and other countries. That prisons should offer postsecondary education would therefore seem common sense, yet this trait is in short supply among our politicians. The problem lies on both sides of the political spectrum: when it comes to educating inmates or, indeed, to implementing any reform that might mitigate the harshness of our penal system, Democrats, fearful of the soft-on-crime label, are as bad as – if not worse than – Republicans. The Clinton era illustrates this well. Our jail and prison population soared under Clinton, who signed into law the Violent Crime Control and Law Enforcement Act of 1994, a bill sponsored by Democrat Representative Jack Brooks and written by then-Senator Joe Biden. Among the measures of this legislation, sometimes called the “Biden Law,” was a $9.7 billion plan to build new prisons and a sharp increase in the number of crimes subject to the death penalty. Although the bill provided $6.1 billion for prevention initiatives, it contained a bipartisan amendment egregiously counter-prevention: inmates were henceforth barred from Pell grants, the major federal source of college financial assistance for low-income students. The average grant was small, only about $1500 per student in 1994, yet the cumulative impact was huge. With passage of the 1965 Higher Education Act, on which Pell grants were based, the number of postsecondary correctional education programs shot up from twelve that year to 350 during the Reagan presidency. Ending Pell grants to inmates saved enough to increase grants to non-prison students by a paltry $5 each per semester, while decimating prison postsecondary education programs. After 1994, only eight remained open.

## AT Dropouts

1. My evidence accounts for this and proves prisoner Pell grants are empirically effective. That’s Buzzini 9.

2. Prisoners don’t need to finish their degree for them to not recidivate. That’s Chazelle 11.

[If not in AC]

The plan solves crime even if prisoners don’t finish their degree – That’s Chazelle 11. **Chazelle 11**[[24]](#footnote-24)

The practical benefits of educating prisoners are well documented. Over ninety percent of inmates eventually return to society; those who receive educational programming behind bars are more likely to find jobs and do without government assistance. They have greater capacity to support relatives financially, contribute in positive ways to their communities, and help their kids succeed in school and stay out of trouble. The benefits extend to the wider public, as well, as **study after study shows that educating inmates reduces recidivism** – the rate at which they commit new crimes leading to re-arrest or re-incarceration. Although statistics vary, it appears that **recidivism among offenders who complete some college** work in prison **drops by ten percent or more, even if they do not finish a degree.** Postsecondary correctional education is, moreover, a cost-effective tool for improving public safety, since it is invariably less expensive than prison (an average of $25,251 per federal inmate in 2009). By lowering recidivism it saves taxpayers’ money, and given our massive incarcerated population – over 2.3 million – it helps address the growing education gap between the US and other countries. That prisons should offer postsecondary education would therefore seem common sense, yet this trait is in short supply among our politicians. The problem lies on both sides of the political spectrum: when it comes to educating inmates or, indeed, to implementing any reform that might mitigate the harshness of our penal system, Democrats, fearful of the soft-on-crime label, are as bad as – if not worse than – Republicans. The Clinton era illustrates this well. Our jail and prison population soared under Clinton, who signed into law the Violent Crime Control and Law Enforcement Act of 1994, a bill sponsored by Democrat Representative Jack Brooks and written by then-Senator Joe Biden. Among the measures of this legislation, sometimes called the “Biden Law,” was a $9.7 billion plan to build new prisons and a sharp increase in the number of crimes subject to the death penalty. Although the bill provided $6.1 billion for prevention initiatives, it contained a bipartisan amendment egregiously counter-prevention: inmates were henceforth barred from Pell grants, the major federal source of college financial assistance for low-income students. The average grant was small, only about $1500 per student in 1994, yet the cumulative impact was huge. With passage of the 1965 Higher Education Act, on which Pell grants were based, the number of postsecondary correctional education programs shot up from twelve that year to 350 during the Reagan presidency. Ending Pell grants to inmates saved enough to increase grants to non-prison students by a paltry $5 each per semester, while decimating prison postsecondary education programs. After 1994, only eight remained open.

# AT Disads

## General

Rehab is inevitable. Absent the Plan, it will be religious rehab, non-uniques disads but doesn’t solve crime.

**Lockard 12**[[25]](#footnote-25)

This is a world to which the recently deceased [Charles Colson](http://www.ajc.com/news/nation-world/watergate-figure-charles-colson-1423592.html) contributed greatly, one where true knowledge comes from the bible, the Book of Mormon, and a few other holy texts. The awards dinner featured a solid contingent of Colson’s [Prison Fellowship](http://www.prisonfellowship.org/prison-fellowship-home) volunteers. Organized religious missions have been coming to prisons since the late eighteenth century, when the Philadelphia Society for Alleviating the Miseries of Prisonssent mostly Quaker volunteers to Walnut Street Jail. Throughout the nineteenth and into the **twentieth century US prisons were sites of religious predation**, primarily led by Christian evangelicals**.** Limited efforts at educational modernization through **secular post-secondary** academic **programs came to a halt with the 1994 ban on Pell grants for prisoners**, legislation that had profoundly counter-productive effects. Colson’s growing success at **prison evangelization** programs **coincided with** the **gutting of higher education** opportunities **in prisons.** But despite enjoying a law career based on the advantages of an Ivy League undergraduate education, Colson disliked higher education as a diversion from spiritual pursuits. He had no use for contemporary intellectual debates, dismissing them as “the big lie of post-modernism” that distracted from rock-solid faith in Jesus as savior. In [God and Government](http://zondervan.com/9780310277644), Colson attacked the Enlightenment as a source of a mistaken understanding of human nature that led to a disastrous pursuit of social utopianism. He denounced universities as centers of moral relativism unfit to educate students who needed guidance toward moral authority. Colson’s vision of prison ministries corresponded with what he believed lacking from secular education – a Christ-centered path to improvement of self and society. Although he adopted the language of marginalization and oppression in describing prison inmates, Colson believed that address to the social origins of crime lay in spirituality rather than education that addressed the material world. Nowhere in his extensive writings does Colson engage with Pell grants and the disappearance of higher education from prisons. The politics that Colson advocated remained as deeply reactionary after his prison sentence as before. Rather, his experience combined with a new Christian evangelism added a coloration of social care that had been absent. His very popular and much-reprinted autobiography, [Born Again](http://www.hendrickson.com/html/product/562514.trade.html), is filled with recounted political dialogue in White House offices and details of conversion and Christian fellowship found among Washington insiders. He views himself as an instrument in the Lord’s hands, unconscious before his downfall and conscious afterwards. “What happened in court today,” he said to the press after sentencing, “was the court’s will and the Lord’s will—I have committed my life to Jesus Christ and I can work for Him in prison as well as out.” The state, its institutions, and legal decisions in Colson’s view coincided with and remained subordinate to his own interpretation of Christian redemption. Born Again contains no condemnation of the lack of fellowship in Nixon’s racist Southern strategy, and has only praise for his president’s decision to bomb North Vietnam and prosecute the US genocide in south-east Asia. Ironically, it was the illegality of Colson’s obstruction of justice concerning a conspiracy against Daniel Ellsberg for his Pentagon Papers revelations about Vietnam that led to a seven-month prison sentence. In Colson’s version of his life story, his mistake lay in the hubris of ignoring God while in the White House. The rest of his life was repentance and corrective spiritual action, which he construed to include anti-Darwinism, opposition to gay and lesbian rights, and an array of reactionary causes. Another reading of Colson’s life is that he remained a faithful servant of the state, one who successfully advocated spiritual submission for prisoners rather than an education that would enable them to critique society more acutely and pursue intellectual self-reliance. The Prison Fellowship Ministries collaborate with prison administrations to operate a private-public partnership for obscurantism by missionizing a captive population. Such work with a domestic underclass recapitulates historic Euro-american imperialism’s combination of state and religious power to produce passive laboring subjects. The carceral state values narratives that confess sin, embrace salvational repentance, and advocate compliance with an ordained social order. Such narratives gain official sanction because, as Tanya Erzen argues, “Personal narratives of individual transformation are central to testimonial politics, and they work in conjunction with a neoliberal vision in which social services are privatized rather than funded by the federal government…Testimonial politics support the **faith-based policies** of economic privatization that **place the onus for solving social problems on the individual and** on the power of God to transform lives.” Colson modeled the compliant subject, entirely unlike the resistant prison narratives of [Jimmy Santiago Baca](http://www.jimmysantiagobaca.com/). For Colson, a prisoner needed to learn social conformity alongside Christian submission. Prison was a place to ask questions only of oneself, not about society. Colson **did not challenge the massive growth of US prisons** since he served time in the 1970s or the role of the drug wars in fueling that growth. The entanglement of state and religion that Colson pursued resulted in a 2007 Eighth Circuit decision,[Americans United for Separation of Church and State v. Prison Fellowship Ministries](http://www.ca8.uscourts.gov/opndir/07/12/062741P.pdf), which sustained a lower court decision striking down a state-funded Fellowship-run [InnerChange Freedom Initiative](http://www.prisonfellowship.org/ifi-faq) re-entry program in Iowa prisons that employed Bible counselors and evangelical Christian programming. Although the Iowa program no longer exists, it still functions in Minnesota and Texas. Colson’s efforts to foster Christian evangelism on taxpayer money, a clear breach of the Establishment Clause, are withering. Where he has succeeded is in bringing volunteers into prisons to do the same work free of charge, where they preach personal faith instead of educate. There are social costs in ignoring the profoundly life-altering potential of higher education. Colson’s post-Watergate career was dedicated to a blinkered Bible-centered vision of salvation and individual transformation in prisons, a vision that attached no importance to a broad humanities and sciences education. It is a legacy that needs undoing.

## AT Politics DA

### Normal Analytics

Omitted

### Plan Popular

TURN – Rehab is popular due to budget cuts. **Gest 10** writes[[26]](#footnote-26)

For many years, criminal justice reform has stagnated in a ideological gridlock, with conservatives seeking harsher punishments and liberals touting prevention and rehabilitation. A big step toward breaking that split occurred 10 days before Christmas, when **a group of conservatives** did the extraordinary, **admit**ting that they may have been **wrong on** some aspects of anti**crime policy** and seeking consensus on key issues. A new group called Right on Crime urged looking at the money spent on criminal justice and its effectiveness. "For too long, conservatives have allowed more money and more prisons to be the default solution to our public safety challenges," said   
Brooke Rollins of the Texas Public Policy Foundation, which is leading a national movement to change the conversation on crime and justice. Rollins spoke at an unusual session in Washington, D.C., that featured not only **conservative leader**s like Grover **Norquist** of Americans for Tax Reform, David Keene of the American Conservative Union, and Pat Nolan of Prison Fellowship but also invited guests from liberal groups like the Open Society Institute, Families Against Mandatory Minimums, and the Drug Policy Alliance. Now the question is whether the group's new statement of six principles can take hold in conservative ranks as well as be embraced by liberals. Removing crime as a divisive political issue may happen, at least for now, in an era of relatively more concern in the United States over issues of the economy, health care, and foreign wars. At the launch of the Right on Crime campaign, Norquist **said most modern** political **candidates realize that crime "isn't the magic button** they once thought it was" **to paint competitors as "soft" on criminals.** Conservatives generally favor less government, but they agree that criminal justice, along with national defense, are legitimate functions of government. Instead of "shouting at each other," he said, those on both ends of the ideological spectrum should work to make sure that taxpayers' money devoted to criminal justice is spent wisely. 'How do we keep the public safe on limited budgets?" asked Nolan. "This is an issue that will unite the left and the right." In a commentary marked by strong rhetoric, **Nolan called the** conservative **group**'s emergence a "seismic shift" and **a "game changer."** The group's leaders indicated that just about major criminal justice policy could be examined, from law enforcement to courts to prisons and sentencing to crime victims' rights. Right on Crime also is concerned with "overcriminalization," the tendency of government at all levels to try making every conceivable offense to society into a crime. One result is filling prisons and jails and sometimes having "the unintended consequence of hardening nonviolent, low-risk offenders--making them a greater risk to the public than when they entered." Right on Crime certainly has intellectual heft. Besides those who spoke this week, such notables as former House Speaker Newt Gingrich, former Attorney General Edwin Meese, one-time hardline criminologist John DiIulio of the University of Pennsylania, and former Republican Justice Department official Viet Dinh are among those who have signed on. The group has more than rhetoric to back up its principles. Led by a Texas think tank, it touts the example of **Texas**, a former leader in prison building that **has turned to** spending money instead on **rehab**ilitative approaches and still has seen its crime rate drop. In brief, the immediate goal of Right on Crime is to export the Texas model to other states. A few states already have embraced elements of it, notably Kansas and South Carolina. This could be the right time to press for reforms, because **a wave of Republican** governors is about to take over in **states** that **are hard pressed for** public **funds.** Already, Gov.-elect John Kasich of **Ohio**, a former conservative leader in Congress, has said that sentencing policies are on the table in his state, which **spends a large chunk of its budget on c**riminal **j**ustice functions.

### Link Defense

(\_\_\_) No unique link – Obama is pushing rehab now.

**Allen December 13 2012** writes[[27]](#footnote-27)

**PolitiFact**.com **recently gave** President **Obama a “promise kept” on** a **drug** enforcement **policy change.** In 2007, Senator **Obama promised to send first-time drug offenders to rehab** instead of jail. Obama wanted to treat drugs as more of a health issue than a law enforcement issue. PolitiFact.com stated: “The administration has supported drug courts, which allow low-level drug offenders to have their charges dropped if they successfully complete a court-monitored treatment program.” The drug courts mostly apply to local and state level drug crimes because most federal drug offenders are serious and usually involve the selling of drugs. The Obama administration estimates that 120,000 people were sent to treatment instead of jail, reports PoliticusUSA.com. Rafael Lemaitre, spokesman for the White House Office of National Drug Control Policy, said: “**Last** fiscal **year,** the **Obama** administration **spent $10**.4 **billion on drug** prevention and **treatment programs** compared with $9.2 billion on domestic drug enforcement.” Researchers at the National Institute of Justice stated: "Compared to traditional criminal justice system processing, treatment and other investment costs averaged $1,392 lower per drug court participant. Reduced recidivism and other long-term program outcomes resulted in public savings of $6,744 on average per participant (or $12,218 if victimization costs are included)."

(\_\_\_) No unique link – Obama is pushing Pell Grants now.

**OFR 12** writes[[28]](#footnote-28)

Pell Grant Program Vulnerable:  **Amid a political climate in congress where** virtually every corner of federal **spending is in jeopardy, the Administration says it wants to protect Pell grants** for low-income college students.   But the quasi-entitlement program faces a huge funding shortfall for FY12 and has become a tempting target for Republican budget hawks, who say that it is a prime example of overspending and “promises we can’t keep.”  Those close to talks on a debt reduction deal are saying little about which programs are likely to be on the chopping block, but education experts say the large increases required to sustain the Pell grant program make it particularly vulnerable.

The **Pell grant** program is one of the federal government’s largest education initiatives, and **has been one of President’s top priorities.**  The program faces a shortfall each year because it is partially funded through discretionary spending, not just mandatory dollars that would sustain it automatically.  With the economic difficulties of the past few years, more people are qualifying for the grant and more people are going back to school to earn degrees, leaving the program strapped for cash.  Program costs have more than doubled since 2008, from $16 billion to an estimated $35 billion in FY12.  In order to maintain the current $5,550 maximum award, lawmakers must make up for an estimated $11 billion shortfall.  Lawmakers in both parties are looking at proposals to restructure the Pell grant program to reduce costs, but those decisions are unlikely to be made until after the White House and congressional leaders negotiate a deficit reduction plan.

(\_\_\_) No polcap. Obama is a cactus. **Onion 10**[[29]](#footnote-29)

WASHINGTON—According to a poll released Tuesday, nearly **20 percent** of U.S. citizens now **believe** Barack **Obama is a** cactus, the most Americans to identify the president as a water-retaining **desert plant** since he took office. A growing segment of the population believes the president is **pollinated by moths and hummingbirds.** The poll, conducted by the Pew Research Center, found a sharp rise in the number of Americans who say they firmly believe Obama was either born a cactus, [or] became a cactus during his youth, or has questionable links to the *Cactaceae* family. "We asked people of varying races, ages, and backgrounds the same question: 'What is President Barack Obama?'" Pew spokeswoman Jodi Miller told reporters. "And a fifth of them responded, 'A cactus.'" According to the poll, Obama has lost favor among many voters who supported his candidacy in 2008 but have since come to doubt he is a mammal. While these Americans concede Obama may not specifically be a cactus, most believe he is a plant of some kind, with 18 percent saying the president is a ficus, 37 percent believing him to be a grain such as wheat or millet, and 12 percent convinced he is an old-growth forest in Northern California. When asked why they agreed with the statement "President Obama is a large succulent plant composed of specialized cells designed for water retention in arid climates," many responded that they "just know," claiming **the pres**ident **only acts like a human** being **for political purposes and is truly a cactus at heart.** A number of polled Americans identified the above as a photo of President Obama. White House officials have asserted that the nation's 44th president is a person. "You can't go a day without hearing how Obama's a radical cactus sympathizer who wants to sap America of all its drinking water, or how he was actually born in the Kalahari Desert," said media critic Lynn Pelmont, referring to cable news outlets that suggest the president has prickly spines he uses to protect himself from thirsty animals. "For a man who prides himself on delivering a coherent message, **there's a**n awful **lot of confusion** out there **about whether he's a Harvard** Law **grad**uate **or a leafless** flowering **shrub."** "He must speak frankly to the American people about his mammalian background," Pelmont added. "If not, it's only a matter of time before people start believing those fringe bloggers who claim the president of the United States is actually an old washing machine." Some Beltway observers have accused Republicans of tacitly encouraging the cactus rumor, pointing out that if millions of voters believe Obama produces buds through spirally arranged areoles situated along his stem, the GOP has a much better chance of retaking Congress in November. "If the president says he is a human being, I'll take him at his word," Senate Minority Leader Mitch McConnell said Sunday on *Meet the Press*. "Though I've never heard him complain about being thirsty. Not once. That could be a coincidence, I suppose, but it's really not my place to say."

No polcap now for Obama. **Goddard 3/13**[[30]](#footnote-30)

If President **Obama** "had piled up **pol**itical **cap**ital with his impressive re-election, **i**t'**s largely gone. His approval rating has dropped to the lowest level in more than a year**, with more voters now turning thumbs down on his performance than thumbs up," according to a new McClatchy-Marist poll. "The measure of how much people like him also has dropped. He's still vastly more popular than Congress, particularly congressional Republicans. But in the biggest political clash of the year - over the federal budget and how to curb deficits - voters split 44 percent to 42 percent between preferring Congress or Obama. At least some of the president's fall to Earth lies in the fact that **voters no longer see him in** the context of **an election. He has to stand alone** in the eyes of voters again **and doesn't benefit from** the **comparison with** Republican rival Mitt **Romney.**"

Studies prove – political capital doesn’t affect policy making.

**Edwards 09** writes[[31]](#footnote-31)

Even presidents who appeared to dominate Congress were actually facilitators rather than directors of change. They understood their own limitations and explicitly took advantage of opportunities in their environments. Working at the margins, they successfully guided legislation through Congress. When their resources diminished, they reverted to the stalemate that usually characterizes presidential-congressional relations. As legendary management expert Peter Drucker put it about Ronald Reagan, "His great strength was not charisma, as is commonly thought, but his awareness and acceptance of exactly what he could and what he could not do."134 These conclusions are consistent with **systematic research** by Jon Bond, Richard Fleisher, and B. Dan Wood. They have focused on determining whether the presidents to whom we attribute the greatest skills in dealing with Congress were more successful in obtaining legislative support for their policies than were other presidents. After carefully controlling for other influences on congressional voting, they **found no evidence that** those **presidents who** supposedly **were** the most **proficient in persuading Congress were more successful** than chief executives with less aptitude at influencing legislators.135 **Scholars studying leadership** within Congress **have reached similar conclusions** about the limits on personal leadership. Cooper and Brady found that institutional context is more important than personal leadership skills or traits in determining the influence of leaders and that there is no relationship between leadership style and effectiveness.136

Polcap is useless in the new congress

**Weekly Standard 1/14** writes[[32]](#footnote-32)

That points to another substantial impediment—the political geography of the House of Representatives. Reagan had leverage over House Democrats in the early 1980s because his victory over Jimmy Carter had been geographically broad. Many congressional Democrats, especially from Dixie, knew that Reagan had won at least a plurality in their districts, so they had reason to fear him. Barack Obama’s victory in 2012, while slightly larger than Reagan’s in 1980 in terms of raw vote percentage nationally, was much narrower in geographic terms. In fact, **Obama** won reelection having **carried fewer than 218** congressional **districts**, while approximately 215 House Republicans represent districts that Mitt Romney won. This is a consequence of President Obama’s driving minority turnout to unparalleled levels: African-American and Latino voters are often clustered in minority-majority congressional districts, thanks to the 1982 amendments to the Voting Rights Act. Add these districts to the “gentry liberal” ones in and around major cities, and the result is that Obama overwhelmingly carried a minority of congressional districts, while Mitt Romney narrowly won a majority of districts (at least 225, with 4 still to be determined). At first blush, this might seem to be a trivial point, but **what** kind of **influence does** President **Obama have in a district that voted 55-45** percent **for** Mitt **Romney?** What sort of political rebuke can he possibly deliver to a recalcitrant Republican from a district such as that, especially in light of the fact that no incumbent party has ever gained a significant number of House seats in a president’s second midterm? Put simply, **most House Republicans need not fear that defying the president will result in** their **defeat in 2014**. If **political muscle won’t be enough** to force legislative breakthroughs, then a deft touch might do the trick. Perhaps the president could play coy dealmaker, in the manner of Lyndon Johnson. Here, however, President Obama has proven himself to be quite incompetent, more a Jimmy Carter than an LBJ.

### Winners Win

Omitted

## AT Spending DA

Post-secondary prison education frees up billions in funding for US universities.

**Mayeux 10**[[33]](#footnote-33)

The irony, of course, or maybe this was just the point all along, is that Hutchison was right: **Hundreds of thousands** of would-be college students **have been denied** access to **higher education because of money spent on prisoners, but not because [of]** prisoners have been sucking up all the college **grants. In many states prisons** now **receive** far **more gov**ernment **funding than colleges and universities** do — even though all that government funding mostly goes **to keep**ing **prisoners idle.** As California struggles to keep not just its once-legendary state university system but also the state itself afloat, it’s worth noting, **a**s **UCLA professor** Chan Noriega recently **calculated, that “California could send every last prisoner to a UC campus, covering all expenses, and** still **save** nearly **$2.3 billion per year.”**

Empirics confirm. Education is cost-saving and Pell Grants are key. **Chazelle 11**[[34]](#footnote-34)

The practical benefits of educating prisoners are well documented. **Over ninety percent of inmates** eventually **return to society; those who receive education**al programming behind bars are more likely to **find jobs** and do **without government assistance.** They have greater capacity to support relatives financially, contribute in positive ways to their communities, and help their kids succeed in school and stay out of trouble. The benefits extend to the wider public, as well, as **study after study shows that educating inmates reduces recidivism** – the rate at which they commit new crimes leading to re-arrest or re-incarceration. Although statistics vary, it appears that recidivism among offenders who complete some college work in prison drops by ten percent or more, **even if they do not finish a degree. Postsecondary** correctional **education is**, moreover, a **cost-effective** tool for improving public safety, **since it is** invariably **less expensive than prison** (an average of $25,251 per federal inmate in 2009). **By lowering recidivism it saves** taxpayers’ **money, and given our massive incarcerated population – over 2**.3 **million – it helps address the growing education gap between the US and other countries.** That prisons should offer postsecondary education would therefore seem common sense, yet this trait is in short supply among our politicians. The problem lies on both sides of the political spectrum: when it comes to educating inmates or, indeed, to implementing any reform that might mitigate the harshness of our penal system, Democrats, fearful of the soft-on-crime label, are as bad as – if not worse than – Republicans. The Clinton era illustrates this well. Our jail and prison population soared under Clinton, who signed into law the Violent Crime Control and Law Enforcement Act of 1994, a bill sponsored by Democrat Representative Jack Brooks and written by then-Senator Joe Biden. Among the measures of this legislation, sometimes called the “Biden Law,” was a $9.7 billion plan to build new prisons and a sharp increase in the number of crimes subject to the death penalty. Although the bill provided $6.1 billion for prevention initiatives, it contained a bipartisan amendment egregiously counter-prevention: inmates were henceforth barred from Pell grants, the major federal source of college financial assistance for low-income students. **The** average **grant was small**, only about $1500 per student in 1994, **yet the** cumulative **impact was huge**. With passage of the 1965 Higher Education Act, on which Pell grants were based, **the number of** postsecondary correctional **education programs shot up from twelve that year to 350** during the Reagan presidency. **Ending Pell grants to inmates saved** enough to increase grants to **non-prison students** by **a paltry $5 each** per semester, **while decimating prison** postsecondary **education programs. After 1994, only eight remained open.**

Empirics prove. Prisoner Pell Grants are the most cost-effective criminal justice policy and solve crime. **Karpowitz and Kenner 2k**[[35]](#footnote-35)

In the 1990s, elected officials began introducing legislation to prohibit tuition assistance to inmates. The United States Department of Education resisted this change of policy, and continued to support the use of Pell grants in America’s prisons. As part of this effort, the Department’s Office of Correctional Education issued a Facts and Commentary in 1995 entitled “Pell Grants for Prisoners,” in which it stated that “Pell grants help inmates obtain the skills and education needed to acquire and keep a job following their eventual release.”18 Furthermore, the Department published the following facts in support of Pell eligibility for the incarcerated:19 • Of the $5.3 billion awarded in Pell grants in 1993, about $34 million were awarded to inmates. This represents less than 1/10 of one percent (1%) of the total grant awards. • The annual Pell grant awarded per inmate was less than $1,300. • Pell grants are given to education providers, not to inmates, to pay for the inmates’ educational expenses. • Death row inmates and inmates serving life sentences without parole were not eligible for Pell grants. Despite the position of policy experts within the federal and state government, including both educators and correctional officials, the Violent Crime Control and Law Enforcement Act effectively dismantled correctional higher education. **Almost overnight, the most** effective and **cost-beneficial correctional policy in the U**nited **S**tates **collapsed.** Some states, like Texas, have found ways to continue post-secondary education in corrections despite this change in federal policy.20 Many others, like New York, experienced the near total collapse of this outstanding form of crime prevention. **In New York** State, **there were** nearly **70** post-secondary prison **programs in April** of 19**94. Four months later, there were four** programs **left**. Today, two of those programs are on the verge of closing. 5 Cost Efficiencies: A Cost-Benefit Analysis Case Study Many of the federal and state government studies of recidivism and correctional education have included a particular focus on the cost-savings of such programs compared to other forms of crime prevention. For example, **The** U.S. **D**epartment **o**f **E**ducation’s “Three State Recidivism **Study**” of 1997 **drew** particular **attention to the tremendous cost-savings** per dollar spent on such programs. As noted above, according to the Correctional Education Association’s study sponsored by the Department, **every dollar spent on education returned more than two dollars** to the citizens **in** reduced **prison cost**s.21 A **far more detailed** cost-benefit analysis has been carried out in the State of Florida. Using the Costs Consequences Analysis model developed by TaxWatch (FTW), and the Florida State University Center for Needs Assessment & Planning (CNAP), adapted by the Florida Department of Corrections (FDC), FTW and CNAP examined FDC educational programs to study returns on public investment in job training and education programs conducted by the FDC.22 Among the **study results** was the **find**ing **that all sub-groups** of Correctional Education completers for FY 1993-4 **had positive return on investment** ratios. The combined Costs-Consequences Analysis ratio reported at $1.66 return for every $1.00 invested. The highest return was for academic completers, with $3.53 returned for $1.00 of public investment.23 Conclusion This report illustrates **the overwhelming consensus** among public officials **[is] that postsecondary education is the most successful and cost-effective method of preventing crime. As proven by** the **government studies** cited in this memo, **the** public-safety and **economic impact** of correctional education **is enormous**. In the past these profoundly positive effects were widespread **even though** such **grants accounted for** roughly one-**half of 1% of total Pell investment**s.24 The cost-effectiveness of this policy is manifest, and has been detailed in officially recognized cost-benefit analyses. The United States Government should resume its policy of releasing a fraction of **Pell Grants** to qualified incarcerated Americans. An extremely modest public investment **would create a massive response from private**, non-profit educational and religious **organizations**. Such a policy would **sharply cut** rates of **recidivism and save** the states **millions** of dollars.

Plan frees up additional funding for other programs. **Marbley and Ferguson 05**[[36]](#footnote-36)

The Bureau of Labor Statistics data show from 1995 to 1998, among young adults between ages 15 and 19, the unemployment rate for Black men was 30.1% compared to 14.1% average for White men, compared to 25.3% for Black women and 10.9% for White women; for the ages 20 to 24, unemployment for Black men was 18.0% compared to 6.7% for White men, compared to 15.7% for Black women and 6.3% for White women (Burkins, 1999). Regretfully, young people between 16 and 24 years of age held almost half the jobs lost in the United States between 2000 and 2004 (Maher, 2004). Therefore, the challenge of disenfranchised populations is further compounded by the scarcity of employment opportunities and the lack of sufficient education, training, and skills to be competitive when seeking available opportunities. This leaves far too many gifted and talented young men and women of color left by to languish, unemployed, in crime-ridden, impoverished communities. The financial burden of incarceration to taxpayers is another important consideration in rethinking the way former prisoners are mainstreamed. First, **getting ex-offenders into the labor force** in well-paying positions **serves the government** and business community. **A decent** annual **salary** from these participants **would generate** a gross **income subject to** local **taxes** through purchases made in their communities. By contrast, **the** combined **cost of maintaining jailed**, state, and federal **inmates is** approximately **$60,000 per inmate per year** (Camp & Camp, 1997). If those same individuals stayed out of prisons, the **generated income from** gainful **employment, coupled with** the **money saved from keeping them out of prisons, would equal more than a billion dollars - a substantial saving to taxpayers** and a major contribution to the economy.

# AT Counterplans

### AT Wynn Amendment CP

1. No net benefit. We already have tons of studies. That’s all the AC evidence. No reason more research is key.

2. Perm do the counter-plan. It results in the entirety of the plan, so it’s aff ground. It’s not severance. No plan is 100% certain or immediate.

3. Bureaucracy kills solvency. Counter-plan gets delayed indefinitely.

**Gordon 94** writes[[37]](#footnote-37)

**Do** **n**o**t be fooled by pleas for more time.** Two years ago **the House voted** overwhelmingly **to cut** off **Pell grants to prisoners, but** the conference **watered down the provision** in exchange **for a study. Now, a year and a half after the study was due, there is still no study.**

4. Perm do both. Pass the Wynn amendment but keep Pell Grants even if the Secretary of Education says no. Only a risk that the Secretary is biased and the perm solves better.

5. Certainty’s key to solvency. Empirics prove that only guaranteed funds solve.

**Mentor 04**[[38]](#footnote-38)

Despite evidence supporting the connection between higher education and lowered recidivism, the U.S. Congress included a provision in the Violent Crime Control and Law Enforcement Act of 1994 that eliminated Pell grants for prisoners. This law had a devastating effect on prison education programs. In 1990, there were 350 higher education programs for inmates. By 1997 only 8 programs remained. Ironically, at the same time as the federal government abolished Pell grants for prisoners, many states were undergoing a dollar-for-dollar tradeoff 1between corrections and education spending. New York State, for example, steadily increased its Department of Corrections budget by 76% to $761 million. During the same period, the state decreased funding to university systems by 28%, to $615 million. Much of the increase in corrections spending was the result of longer prison terms and the need for increased prison construction. In the 1993–1994 school year, more than 25,000 students in correctional facilities were recipients of Pell grants. **Although** these **[Pell] grants were not the only source of revenue** for these programs, **they provided a predictable flow of money that enabled** the **continued functioning of classes. Since there were no replacement funds, programs were forced to abandon efforts** to provide college courses in prison.

6. The counter-plan would fund a massive national study which costs tons of money. Can’t solve cost-effectiveness.

7. He’ll say no. Soft on crime isn’t popular. That’s why we don’t have Pell Grants now.

8. Perm do the plan then the counter-plan. Solves quicker. If we decide Pell Grants fail, we can roll it back later.

### AT Confinement CP

1. Perm, do the counterplan. I fiat an action. She fiats a mindset. There’s no competition.

2. Perm do both. Solves the net benefit.

3. Backlash kills counterplan solvency. Perm’s key. **Mears et al. 3** write[[39]](#footnote-39)

**Treatment and control**/management of offenders represent two distinct orientations of philosophies toward inmates. **Although** the two can be **compatible**, historically they **have been viewed otherwise** (Lipton 1996). **Thus, many correctional officers do not** understand, appreciate, or **support treatment**, while many treatment providers view correctional philosophies as fundamentally inappropriate, unnecessary, and ineffective. Frequently, there are no clear definitions of when a treatment vs. a correctional response is needed (Farabee et al. 1999). Ultimately, **the conflicting cultures** of correctional and treatment staff typically **work against treatment** programming and **efficacy because correctional goals usually “win”** in **this exchange** (Morrissey, Steadman, and Kilburn 1983). Indeed, few institutions directly address this conflict (Inciardi et al. 1992; ONDCP 1999).

4. No reason Pell Grants are key. Retributive mindset in every other aspect of CJS solves all neg offense.

5. Prefer Buzzini 9.

a. It’s empirical. Logan and Gaes 93 are just speculating.

b. Her evidence is not Plan-specific.

6. Rehab is key to humane punishment which turns every net benefit. **Rotman 86**[[40]](#footnote-40)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the pre-existent **law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If** im**prison**ment **itself is the punishment,** the **unchecked harmful effects** of incarceration **on** the mental and social health of **the inmate represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

7. No solvency. Absent a rehab mindset, congress will roll back the plan or create a loophole to cut funding. Empirically confirmed; that’s exactly what happened in ’94.

8. Perm is key to staffing. Counterplan alone drives out qualified prison staff which kills solvency. **Mears et al. 3** write[[41]](#footnote-41)

**Effective treatment requires well-trained staff** and a certain level of consistency in staffing (Lipton 1996; Farabee et al. 1999). Yet many programs are lacking in both areas. Often, **programs have difficulty attracting** well-trained and motivated **counselors** due to the low pay, the conflict of **working** with**in a** correctional **setting where treatment is not** always **supported**, and the remote location of many prisons. Among well-trained counselors, many may not be trained in the particular treatment modalities that are most effective or that a particular correctional facility uses. When **high-quality staff** are hired, they frequently **leave for** better paying or **more attractive positions.** Lack of cross-training between treatment counselors and treatment officers has also been observed as a barrier to effective treatment (Farabee et al. 1999). **Effective treatment is facilitated by mutual understanding among treatment and correctional staff.** The goal of cross-training is to have treatment counselors respect and support the correctional process and, conversely, to have correctional officers understand and support the treatment process, as well as administer treatment sanctions when appropriate.

9. No link. No one in the public pays attention to CJS mission statements. If the policies are treatment, the public will perceive the system as rehab.

10. Pell Grants are key to respect inmates’ humanity – solves the net benefits.

**Yates 9**[[42]](#footnote-42)

Should we be concerned about victims of crimes committed by post-release prisoners who are unable to find employment due to lack of education? Should we care about the families of prisoners who often face emotional, psychological and economic hardship because of the loss of a loved one? Most definitely, but what about the prisoners themselves, the ones who have overstepped the borders of society‟s moral and judicial codes? Criminologist David Garland (2001) states that there are two dominant schools of 50 thought in criminology: 1) There are those who view prisoners as having the same opportunities as everyone else, but just made the wrong rational choices. However, **prisoners** generally do not have the same backgrounds as most in society since they **are usually poor with little** formal **education. To think of them as “the same as us” only with bad judgment is to deny** the very real **socioeconomic inequities** that exist for most prisoners. 2) The other common outlook is to view prisoners as incorrigible, fatallyflawed “animals” who should either be locked up or released only under highly disciplined, supervised conditions, denied fundamental rights such as voting and free association. To dehumanize them in this manner is to dismiss the lives of former prisoners such as Socrates, Jesus Christ, Eugene Debs, Mahatma Gandhi, Rosa Parks, Martin Luther King, Jr. and Nelson Mandela. Garland suggests an alternative outlook, one that recognizes that irrationality can be universal and that choices are usually not made out of context of the existent economic and social conditions. This way of seeing prisoners does not romanticize or demonize them. It allows us to realistically examine the societal conditions that give rise to our police and penal state; and to work toward equality based upon an understanding of our shared life struggle. Kevin Warner and Thom Gehring (2007) suggest **this view can be applied to** how **prison**ers are **ed**ucated. “Whether we are dealing with a prisoner in the overall context of the prison, or a learner who happens to be in prison, deficit models – which in each case over concentrate on what is deemed wrong or missing – are avoided as far as possible in favour of broader approaches to imprisonment and to **education** that **recognizes the common humanity of our fellow citizens in prison**” (p 182).

11. Perm: adopt a rehab mindset, but lie to the public and say the CJS is retributive. Solves all the net benefits and avoids the solvency deficits.

12. CP can’t solve – it kills budgeting. **Mears et al. 3** write[[43]](#footnote-43)

Implementation represents one of the most formidable challenges to providing drug treatment in corrections. Treatment **programs** often **encounter opposition because they run counter to the established punishment**/control **culture** in correctional settings. For this reason, successful implementation requires counselors who have strong leadership skills and can retain skilled and committed staff (Inciardi et al. 1992; Farabee et al. 1999). The **involvement** of experienced treatment providers **is crucial at all stages of implementation, including design** and monitoring of both the program **and** its **budget. Without** this **involvement, programs** frequently **suffer** from **a wide range of** additional **challenges, including failure to obtain** appropriate materials and **supplies**, placement of inappropriate clients, and an inability to anticipate and address fluctuations in available resources (Inciardi et al. 1992).

13. Double-bind. Either the counter-plan can’t solve state perception because it only uses the federal government, or it links to agent counter-plans bad and you drop the neg for skewing 1ar time and strategy.

### AT Death Penalty PIC

Perm do both. No disad to educating them then killing them. Solves prison violence.

*[If not in AC]* Pell Grants solve prison violence. **Page 4** writes[[44]](#footnote-44)

PSCE [postsecondary correctional **education**] **programs help prison workers maintain carceral order.** In **a** 1974 **study** of a PSCE program in a maximum-security prison, Alfred Blumstein found that the program ‘improves institutional climate’ and made the prisoner-students ‘more manageable residents’ (quoted in Duguid, 1987: 23). PSCE programs, like all ‘meaningful program opportunities available to prisoners’, are good ‘institutional management tools’ (DiIulio, 1991: 114), for **they keep prisoners busy; they are ‘carrots’ that can be taken away if prisoners act up; and they help prisoners develop pro-social,** non-violent and **non-criminal identities, making them less likely to resort to physical confrontation** to solve problems (Taylor, 1993).

Prison violence leads to AIDS spread in prisons. **Shah 05**[[45]](#footnote-45)

Prisons are hostile environments. Assaults among prisoners, **violence between prisoners** and prison officers, suicide, self-mutilation, and open syringes and needles containing blood as a result of drug usage are all occurrences in prison environments. Such actions **expedite** the **transmission of** communicable **disease**s. In an effort to thwart disease spread, prison guards and employees are encouraged to take precautions to prevent contracting or spreading diseases. Usage of impermeable gloves and a uniform worn only in the prison are the minimum precautionary measures to reduce exposure to diseases, as recommended by the National Institute of Allergy and Infectious Diseases (NIAID) [1] for prison guards and employees. Ideally, all prison guards, employees, and inmates should be provided with gloves. **Protective** eyewear, aprons, tongs or forceps, and disinfectant solution are all additional measures that should seriously limit disease-causing contact with prisoners and thereby reduce disease spread [2]. Unfortunately, such preventive **measures are costly** and considered impractical at the current time, leaving prisons mostly only able to screen inmates for health problems. Meanwhile, involuntary actions such as the **increasing** numbers of **rapes** in prisons are **fuel**ing **disease spread** as well. According to Laura Stemple, executive director of the human rights group Stop Prison Rape, the rate of sexual abuse is as high as 27% among women in some prisons. In the general United States population, only three in every ten thousand people have been raped according to the Federal Bureau of Investigation (FBI) [3]. However, in prisons, one in five has been sexually assaulted, while one in ten has been raped while in prison [4]. Thus, disease spread through rape is far more likely in prisons. Many victims of rape find it embarrassing to reveal that they have been raped and refuse HIV/AIDS testing and other tests for sexually transmitted diseases. Oftentimes, prisons ignore rapes because it clearly displays to the public and government that the prison administration has not been effective. Rape is not death and therefore is easy to conceal. Thus, many prisons have gotten away with concealing rape incidences and are not pressured to prevent it from occurring. In response, Congress introduced the Prison Rape Reduction Act in 2002 to establish a national commission to drastically reduce rape occurrences in prisons nationwide. The Act established committees by the Justice Department that review prisons annually. Those prisons with unusually high rape incidents would have to undergo examination and determine how to improve. An acute disease such as HIV/AIDS is already a health obstacle in American society. According to the NIAID, **the rate of** HIV/**AIDS** infections **has been** continuously **increasing** despite increased efforts taken by the government and activist groups to control the HIV/AIDS spread. Shockingly, the rate of HIV/**AIDS spread is five to ten times higher in prisons** than that in the general population according one study by the U.S Department of Justice [5]. **When** prison **inmates are released** back into society, the **chances of** incidence of HIV/**AIDS are dramatically increased. An already deadly** and difficult-to-control **disease is becoming more difficult to control.** Health concerns are not monitored closely enough in prisons. The Prison Rape Reduction Act is a step in the right direction; however, more funding should be allocated to ensure prisons are safer. After all, those same individuals who are disregarded as **prisoners will return to society** as regular citizens **and** will **spread** communicable **disease**s**.**

AIDS causes extinction. **Lederberg 91**[[46]](#footnote-46)

Will Aids mutate further ? Already known, **a** vexing **feature of AIDS is its** antigenic **variability,** further **complicating** the task of developing **a vaccine.** So we know that **HIV is still evolving.** Its global spread has meant there is far more HIV on earth today than ever before in history. **What are the odds of** its learning the tricks of **airborne transmission?** The short is, “**No one can be sure.**” But we could make the same attribution about any virus; alternatively the next influenza or chicken pox may mutate to an unprecedented lethality. As time passes, and HIV seems settled in a certain groove, that is momentary reassurance in itself. **However,** given its other ugly attributes, **it is hard to imagine a worse threat to humanity than** an **airborne** variant of **AIDS. No rule of nature contradicts such a possibility;** the **prolif**eration **of AIDS** cases with secondary pneumonia **multiplies the odds of such a mutant, as an analogue to** the emergence of **pneumonic plague.**

Perm, do the counter-plan. Excluding death row inmates is normal means. **Karpowitz and Kenner 2k**[[47]](#footnote-47)

As part of this effort, **the** Department’s **Office of Correctional Education** issued a Facts and Commentary in 1995 entitled “Pell Grants for Prisoners,” in which it **stated** that “Pell grants help inmates obtain the skills and education needed to acquire and keep a job following their eventual release.” Furthermore, the Department published the following facts **in support of Pell eligibility for the incarcerated:** Of the $5.3 billion awarded in Pell grants **in 1993,** about $34 million were awarded to inmates. This represents less than 1/10 of one percent (1%) of the total grant awards. The annual Pell grant awarded per inmate was less than $1,300. Pell grants are given to education providers, not to inmates, to pay for the inmates’ educational expenses. **Death row inmates** and inmates serving life sentences without parole **were not eligible for Pell grants.**

Dictators mean deterrence fails. Heg solves his impacts. **Miller 02** writes[[48]](#footnote-48)

The U.S. should use whatever means necessary to stop our enemies from gaining the ability to kill millions of us. We should demand that countries like Iraq, Iran, Libya, and North Korea make no attempt to acquire weapons of mass destruction. We should further insist on the right to make surprise inspections of these countries to insure that they are complying with our proliferation policy. What if these nations refuse our demands? If they refuse we should destroy their industrial capacity and capture their leaders. True, the world's cultural elites would be shocked and appalled if we took preventive military action against countries that are currently doing us no harm. What is truly shocking, however, is that America is doing almost nothing while countries that have expressed hatred for us are building weapons of mass destruction. France and Britain allowed Nazi Germany's military power to grow until Hitler was strong enough to take Paris. America seems to be doing little while many of our foes acquire the strength to destroy U.S. cities. **We can't rely upon deterrence** to prevent an atomic powered dictator from striking at us. Remember, the Nazi's killed millions of Jews even though the Holocaust took resources away from their war effort. As September 11th also shows, **there exist evil men** in the world **who would gladly sacrifice all other goals** for the opportunity **to commit mass murder.** The U.S. should take not even the slightest unnecessary chance that some dictator, perhaps a dying Saddam Hussein, would be willing to give up his life for the opportunity to hit America with nuclear missiles. **Once a dictator has** the ability to hit a U.S., or perhaps even a European city, with **atomic weapons it will be too late** for America **to pressure him** to give up his weapons. **His ability to hurt us will** effectively **put him beyond** our **military reach.** Our conventional forces might even be made impotent by a nuclear-armed foe. Had Iraq possessed atomic weapons, for example, we would probably have been unwilling to expel them from Kuwait. What about the rights of those countries I have proposed threatening? **America should** not even pretend to care about the rights of dictators. In the 21st century the only leaders whom we should recognize as legitimate are those who were democratically elected. The U.S. should reinterpret international law to give no rights to tyrants, not even the right to exist. We should have an ethically based foreign policy towards democratic countries. With dictatorships, however, we should be entirely Machiavellian; we should deal with them based upon what is in our own best interests. It's obviously in our self-interest to prevent as many dictators as possible from acquiring the means to destroy us. We shouldn't demand that China abandon her nuclear weapons. This is not because China has proved herself worthy to have the means of mass annihilation, but rather because her existing stockpile of atomic missiles would make it too costly for us to threaten China. It's too late to stop the Chinese from gaining the ability to decimate us, but for the next ten years or so it is not too late to stop some of our other rivals. If it's politically impossible for America to use military force against currently non-hostile dictators then we should **use trade sanctions to punish nations who don't agree to our prolif**eration **policy.** Normal trade sanctions, however, do not provide the punishing power necessary to induce dictators to abandon their arms. If we simply don't trade with a nation other countries will sell them the goods that we used to provide. To make trade sanctions an effective weapon the U.S. needs to deploy secondary boycotts. America should create a treaty, the signatories of which would agree to: • only trade with countries which have signed the treaty, and • not trade with any country which violates our policy on weapons proliferation. Believe that if only the U.S. and, say, Germany initially signed this treaty then nearly every other country would be forced to do so. For example, if France did not sign, they would be unable to trade with the U.S. or Germany. This would obviously be intolerable to France. Once the U.S., Germany and France adopted the treaty every European nation would have to sign or face a total economic collapse. The more countries which sign the treaty, the greater the pressure on other countries to sign. Once most every country has signed, any country which violated America's policy on weapons proliferation would face almost a complete economic boycott. Under this approach, **the U.S.** and Germany **alone could use** our **economic power to dictate** the **enforcement** mechanism **of a treaty designed to protect against Armageddon.** Even the short-term survival of humanity is in doubt. The greatest threat of extinction surely comes from the proliferation of weapons of mass destruction. America should refocus her foreign policy to prioritize protecting us all from atomic, biological, and chemical weapons.

### AT Alternative Grants (General)

1. Perm, do both. Other grants are insufficient. Plan’s key to solve. **Mentor 04**[[49]](#footnote-49)

Despite evidence supporting the connection between higher education and lowered recidivism, the U.S. Congress included a provision in the Violent Crime Control and Law Enforcement Act of 1994 that eliminated Pell grants for prisoners. This law had a devastating effect on prison education programs. In 1990, there were 350 higher education programs for inmates. By 1997 only 8 programs remained. Ironically, at the same time as the federal government abolished Pell grants for prisoners, many states were undergoing a dollar-for-dollar tradeoff 1between corrections and education spending. New York State, for example, steadily increased its Department of Corrections budget by 76% to $761 million. During the same period, the state decreased funding to university systems by 28%, to $615 million. Much of the increase in corrections spending was the result of longer prison terms and the need for increased prison construction. In the 1993–1994 school year, more than 25,000 students in correctional facilities were recipients of Pell grants. **Although** these **[Pell] grants were not the only source of revenue** for these programs, **they provided** a **predictable** flow of **money that enabled** the **continued functioning of classes. Since there were no replacement funds, programs were forced to abandon efforts** to provide college courses in prison.

2. Perm solves better. Other grants are insufficient on their own. **Buzzini 9**[[50]](#footnote-50)

As was mentioned before, there are a few **alternative ways for prisoners to pay for** their **education**s without the aid of Pell Grants. However, because of all the complications that lie therein, the methods **are usually not feasible, and** on occasion, actually **impossible because of regulations.** Inmates can pay for their education themselves, of course, but it is a financial hardship or impossibility for many. Some inmates may qualify for a Perkins loan or a federal grant for youthful offenders. There is also a state variant of the youth offender grant. **Foundations, organizations, colleges** and universities**, and prison budgets may** also **be able to donate limited funds** (this list is ordered by popularity, by the number of facilities using the method or service) (Taylor “Part One”). About 32 percent of prison system use a Youthful Offender Opportunity Grant, while 16 percent rely on state or local assistance (perhaps in combination with other sources). 9 percent of facilities reported using some variation of a “prisoner-pay-all” method (Taylor “Part One”). **Without** the help of **Pell Grants, prisoners will likely be required to pay for (or pay back) most, if not all, of** the cost of **their education themselves.**

3. Pell Grants solve better. They’re more efficient. **Buzzini 09**[[51]](#footnote-51)

The main problem with most alternative methods to the Pell Grant is the “idiosyncratic nature of the programs’ creation and the inherent fragility of the operations” (Taylor “Part Two”). **Because there is no nationwide structure as there is with the Pell Grant** (a simple form, the FAFSA, followed by disbursement of funds directly to the school in the name of the recipient), **when problems arise** in such operations, **they become** more and **more difficult to fix because** the **duties fall to prison directors** and the like (**who have** myriad **other duties to deal with**)**,** **instead of** to **professionals who work in** the field of **federal educational aid.** There have been five proposed “feasibility issues” that complicate the whole process. There needs to be an administrative sector, which in the case of the Pell Grant is already in place, but **in the case of other aid forms,** usually does not exist (**the duties** merely **fall to “someone,”** a person **that may or may not follow up on them**). Next is effectiveness, followed by efficiency. Then equity comes into play, with political issues and ramifications bringing up the rear (Taylor “Part Two”). These five feasibility issues elucidate one thing: Pell Grants. **The Pell Grants system** has proven to be efficient and effective, and because of the way recipients are selected (by income) it is also an equal process. Its administrative sector **is already in place, poised to give aid at the drop of a hat.** Clearly, the only problem here is the political hurdle, which it seems prison education may never jump.

### AT BPI CP

1. CP is the squo. Proves it doesn’t solve. It’s try or die for the Aff.

2. No disad to the perm. Perm solves best.

3. Counterplan links to the NC.

4. Private donations are insufficient. **Erisman and Contardo 05**[[52]](#footnote-52)

**Because of limitations on** both public **funding** and prisoner self-funding, **a number of prison systems have turned to private donors** to help support postsecondary correctional educational programs. In Texas, for example, donors interested in helping prisoners gain access to higher education, including corporate donors and advocacy groups, have created scholarships through some of the public colleges and universities that provide postsecondary instruction in the state’s prison system. Virginia has two private nonproﬁ t scholarship funds that cover the cost of tuition, fees, and textbooks for some inmates taking college courses. One program is sponsored by the estate of a physician who was Learning to Reduce Recidivism 31 incarcerated as a youth, and the other is funded by a foundation named for the ﬁ rst warden at the Virginia Correctional Center for Women. While **most private funding sources are too limited to support** the **creation of new postsecondary correctional education programs, as opposed to simply funding additional students** in already established programs, there may be potential in more active fundraising efforts. In Oregon, for example, a private foundation called New Directions funds 26 percent of the state’s incarcerated college students, using funds donated by individuals, businesses, and a local community college. Minnesota has also moved in this direction in recent years (Box 4).

5. The Plan leads to an increase in private donations.

**Karpowitz and Kenner 2k**[[53]](#footnote-53)

This report illustrates the overwhelming consensus among public officials that postsecondary education is the most successful and cost-effective method of preventing crime. As proven by the government studies cited in this memo, **the** public-safety and economic **impact of correctional education is enormous**. In the past these profoundly positive effects were widespread **even though such** grants **accounted for roughly one-half of 1% of total Pell investments.** The cost-effectiveness of this policy is manifest, and has been detailed in officially recognized cost-benefit analyses. **The U**nited **S**tates Government **should resume its policy of releasing** a fraction of **Pell Grants to** qualified **incarcerated Americans. An extremely modest public investment would create a massive response from private, non-profit educational and religious organizations.** Such a policy would sharply cut rates of recidivism and save the states millions of dollars.

### AT IYO CP

1. CP is the squo. Proves it doesn’t solve. It’s try or die for the Aff.

2. No disad to the perm. Perm solves best.

3. Counterplan links to the NC.

4. Incarcerated Youth Offender grants fail. **Erisman and Contardo 05**[[54]](#footnote-54) give multiple warrants

Since 1998, the federal Incarcerated Youth Offender **([First,] IYO**) block **grants** have been a key source of funding for postsecondary correctional education programs in many states, especially those with smaller prison populations. However, the grant’s restrictions limit its usefulness in some states. Massachusetts, for example, has found it difﬁ cult to use IYO grant money to develop a cost-effective on-site postsecondary program because prisoners who meet the eligibility requirements (age 25 or younger, holding a high school diploma or GED, and within ﬁ ve years of release) are spread throughout the state’s correctional facilities. Another problem mentioned by survey respondents is the grant’s annual cap on the amount states can spend per student, which **limit**s **the number of courses each incarcerated student can take during the year and thus signiﬁcantly increase**s **the time** it takes **to complete a degree** or certiﬁ cate**.** **[Second,] The age limit for the IYO program creates** particular **problems for correctional educators** in the state prison systems. Survey respondents frequently noted that **incarcerated students are often just getting started** on their degree programs **when they “age out” of IYO** 15 Unless otherwise noted, all data in this chapter and the next come either from interviews with correctional educators or from the survey of correctional education administrators conducted by the Institute for Higher Education Policy and described in the previous chapter.28 Learning to Reduce Recidivism eligibility. A number of correctional educators also commented that older prisoners would make better candidates for this funding in any case because they tend to be more mature and focused, less likely to withdraw from classes, and more intent on improving their situation after release from prison. Allowing older students to be funded by the IYO grants would also assist those prisoners who earn a GED while incarcerated or who must take remedial courses in preparation for college-level work by giving them time to complete a postsecondary program. **[Third,] States that rely on IYO funding** for their postsecondary correctional education programs **are** also **in a precarious position because the program must be reauthorized by Congress each year.** This year, Senator Arlen Specter, the primary congressional advocate for this program, is seeking to use the reauthorization process to address some of the concerns raised by correctional educators. In July 2005, Senator Specter introduced a bill reauthorizing the IYO program, extending its age limit to 35 years and younger, and increasing the annual perstudent spending cap. As of October 2005, this bill had not yet been considered by the Senate Committee on Health, Education, Labor, and Pensions. However, the change in the age limit— although not the change to the per student spending cap—was included in the Higher Education Amendments bill passed by that committee in September 2005 (Library of Congress 2005).

AT IYO Grant (Scarsdale)

1. This evidence doesn’t say IYO Grants actually solve better than Pell Grants, let alone at all, just that they exist.

2. Only a portion of 90 million dollars of funding was allocated to prisoners. Pell Grants solve better since anyone who qualifies gets funded.

### AT Perkins Grant CP

1. CP is the squo. Proves it doesn’t solve. It’s try or die for the Aff.

2. No disad to the perm. Perm solves best.

3. Counterplan links to the NC.

4. Perkins grants fail. **Erisman and Contardo 05**[[55]](#footnote-55)

An additional source of federal aid used by some states is the Carl D. Perkins Vocational–Technical Education Act, a program that provides block grants to states in support of vocational programs for both youth and adults. Perkins funds are allocated to state vocational education agencies for distribution to secondary and postsecondary schools and other state institutions that offer vocational training. Vocational correctional education programs are eligible to apply for a share of this aid, but **states may only use up to 1 percent of their total Perkins allocation for** aid to **correctional facilities, severely limiting** the **funds available for vocational programs in prisons.** Prior to the 1998 reauthorization of the Perkins Act, states were actually required required to spend at least that 1 percent of their allocation on institutional to spend at least that 1 percent of their allocation on institutional programs, but **they are** now **prevented from spending** any **additional funds beyond that amount** (Spangenberg 2004). The Perkins Act is due for reauthorization by the 109th Congress, and the version of the reauthorization bill passed by the House and under consideration by the Senate as of October 2005 maintains this 1 percent ceiling (Library of Congress 2005).

### AT Americorps CP

1. CP is the squo. Proves it doesn’t solve. It’s try or die for the Aff.

2. No disad to the perm. Perm solves best.

3. Counterplan links to the NC.

4. Pell Grants solve better. **Selingo 98**[[56]](#footnote-56)

But AmeriCorps, with an annual budget of $425.5-million, has fallen well short of President Clinton's promise to extend educational opportunities to thousands of students, say college lobbyists, lawmakers, and former Administration and Congressional aides. It is not, they say, the powerful new federal financial-aid program that Mr. Clinton envisioned. Instead of drawing new students into the educational pipeline, they say, AmeriCorps' $4,725 scholarships have, in most cases, aided those who would have found other ways to pay for a higher education. **[First,] Some of the educational awards have gone unused, as people have joined AmeriCorps primarily for the work experience.** If a goal of the program was to help more Americans attend college, higher-education lobbyists say, the money could have been far more effectively used to pay for Pell Grants or federal work-study programs. College officials argue, for example, that **[Second,] the cost** to the government **of one AmeriCorps participant is as much as five new Pell Grants.** **[Third,]** A few AmeriCorps officials tacitly admit that **the program has done little to expand access to higher education.** According to AmeriCorps statistics, a **little more than half of the program's** 62,000 **graduates who** have **earned education awards have used the grants**-a figure that AmeriCorps officials play down because participants have as long as seven years to use the awards. Even so, in a survey, only half of AmeriCorps members mentioned the education award as one of the top three reasons they had applied to the program. Every member, however, put "helping the community" in the top three.

## AT Agent CPs

### General

Omitted.

### AT Gates Foundation CP

#### General

1. Perm, do both. Solves 100% of the net benefit.

2. Gates concedes he can’t solve and the government is key. **Gates 7** writes[[57]](#footnote-57)

But no foundation alone can solve the health problems of the developing world. We need businesses and governments as partners. That means **we need** to get these issues on **the political agenda**, and we need to tap into market forces to get the private sector involved. It means we all need to embrace a broader definition of responsibility. We must be willing to look at the failure of collective action and see how we can change it. **Because these problems are so complex, government has to be involved in solving them. The Gates Foundation accounts for 1 percent of** the **giving in America. If we spent all of our endowment on education, it would amount to just half of what** the state of **California spends** on education **each year.** If we used it to fill the gap between the amount of money that's available for health in developing countries and the amount that's needed, it would barely last one year. Do the right thing, the right way But as soon as we say not just that we won't accept these diseases in our neighborhood or in our country, but that we won't accept them in our world, then we start the wheels of collective action turning. We start by **giving** our **governments permission** to spend more on these challenges. And that **will unleash** the potential for **sweeping change.**

3. CP can't solve. Pell grants are a uniquely federal program, so the Gates Foundation has no jurisdiction.

4. TURN – Gates Foundation involvement in education leads to expansion of corporate power without accountability. **Ravitch 12**[[58]](#footnote-58)

When one foundation has amassed over $30 billion, it has the financial power to shape the policies of government to its liking. The [Bill & Melinda Gates Foundation](http://voices.washingtonpost.com/answer-sheet/gates-spends-millions-to-sway.html)has more than $30 billion, and when Warren Buffet’s gift of another $30 billion is added to the Gates fund, the Gates Foundation will have the power to direct global policy on almost any issue of its choosing. Educator Anthony Cody[published a guest column on his Education Week Teacher blog](http://blogs.edweek.org/teachers/living-in-dialogue/2012/07/the_gates_foundations_leverage.html) that describes how the Gates Foundation intervenes in agricultural and environmental issues around the world, often in ways that support corporate profits rather than the public interest. (Education Week is in part funded by the **Gates Foundation**.) I have never believed that the [Gates Foundation](http://www.washingtonpost.com/blogs/answer-sheet/post/11-million-plus-gates-grants-galvanic-bracelets-that-measure-student-engagement/2012/06/10/gJQAgAUbTV_blog.html)or the Gates family puts profits above the public interest. I work on the assumption that anyone who has more riches than they can ever spend in their lifetime or in 100 lifetimes is not motivated by greed. It makes no sense. I believe that Bill and Melinda Gates want to establish a legacy as people who left the world a better place. But I think their their**efforts to “reform” education are** woefully **mistaken.** I have tried but had no luck in my efforts to meet [Bill Gates](http://voices.washingtonpost.com/answer-sheet/school-turnaroundsreform/fact-challenged-education-poli.html). On the two occasions when I was in Seattle in the past year, I tried to arrange a meeting with him well in advance. He was never available. I am puzzled by what I read in the column cited abovee. I am also puzzled by **the Gates Foundation’s persistent funding of groups that want to privatize** public **education**. I am puzzled by their funding of “astroturf” groups of young **teachers who** insist that they **don’t want** any **job protections**, don’t want to be rewarded for their experience (of which they have little) or for any additional degrees, **and** certainly don’t want to be represented by a **collective bargaining** unit. I am puzzled by their funding of groups that are promoting an anti-teacher, anti-public education agenda in state after state. And I am puzzled by the hundreds of millions they have poured into the quixotic search to guarantee that every single classroom has a teacher that knows how to raise test scores. Sometimes I wonder if anyone at the Gates Foundation has any vision of what good education is, or whether they think that getting higher test scores is the same as getting a good education. I wonder if they ever think about their role in demoralizing and destabilizing the education profession. When Bill or Melinda Gates is asked whether it is democratic for one foundation, their foundation, to shape a nation’s education policy, they don a mask of false modesty. Who, little old us? They disingenuously reply that the nation spends more than $600 billion on education, which makes their own contribution small by comparison. Puny, by comparison. Anyone with any sense knows that their discretionary spending has had a powerful effect on the policies of the U.S. Department of Education, on the media, on states and on districts. When [Bill Gates](http://voices.washingtonpost.com/answer-sheet/anthony-cody/why-bill-gates-is-wrong-on-cla.html) speaks, the National Governors Association snaps to attention, awed by his wealth. They are pulling the strings, and they prefer to pretend they aren’t. But their disclaimers do not change the fact that **they have power without accountability.** They want accountability for teachers, but who holds them accountable? When I see Bill or Melinda make a pronouncement on education, I am reminded of the song in “Fiddler on the Roof:” “When you’re rich, they think you really know.” They don’t. And no one will tell them that they are out of their depth. They may be well-meaning but they are misinformed, and they are inflicting incalculable damage on our public schools and on the education profession. **Who elected them? Why should they** have the power to **shape American education?**. It’s puzzling.

5. CP can’t solve. Gates Foundation is vulnerable to corruption which leads to rollback of funding. **AP 3/10**[[59]](#footnote-59)

The head of **Sierra Leone**'s Anti-Corruption Commission says that 29 government health **officials will appear** in court **on corruption charges for having** allegedly **defrauded the** Bill and Melinda **Gates Foundation**'s vaccine program**.** Joseph Fitzgerald Kamara told The Associated Press that the government's Chief Medical Officer, Dr. Kisito Sheku Daoh, six other medical doctors and 22 health officials are charged with defrauding the Gates Foundation's Global Alliance for Vaccines and Immunization Fund of $523,000 US. He said all those charged are out on bail and scheduled to appear in court on March 18. **The Gates Foundation**'s immunization fund **has suspended** payments of **$6 million to Sierra Leone over** the **allegations of misuse of funds.** The immunization fund has disbursed more than $27 million to Sierra Leone since 2001. According to the foundation website, the foundation has committed $1.5 billion to the GAVI alliance for expanding childhood immunization.

6. CP trades off with funding for AIDS research. Gates Foundation is key.

**India Times 11**[[60]](#footnote-60)

LONDON: **More than 100,000** fresh **HIV cases have been averted** over the last five years among the general population **in India** which has some 2.4 million people living with the virus, according to a study in 'The Lancet' journal. This is all **thanks to a** Bill & Melinda **Gates Foundation** -funded US dollars 338 million **project**, called Avahan, **which** was launched in six Indian states of Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Manipur and Nagaland in 2003. Avahan was launched for the purpose of reducing the spread of HIV in India and developing a model prevention system to encourage others worldwide to adapt and adopt it. The project **serves** the **groups** that are **most vulnerable to HIV infection**, including sex workers, their clients, high-risk men who have sex with men, and injecting drug users in the six Indian states with an estimated population of 300 million.

AIDS spread risks extinction.

**Lederberg 91**[[61]](#footnote-61)

Will Aids mutate further ? Already known, **a** vexing **feature of AIDS is its** antigenic **variability,** further **complicating** the task of developing **a vaccine.** So we know that **HIV is still evolving.** Its global spread has meant there is far more HIV on earth today than ever before in history. **What are the odds of** its learning the tricks of **airborne transmission?** The short is, “**No one can be sure.**” But we could make the same attribution about any virus; alternatively the next influenza or chicken pox may mutate to an unprecedented lethality. As time passes, and HIV seems settled in a certain groove, that is momentary reassurance in itself. **However,** given its other ugly attributes, **it is hard to imagine a worse threat to humanity than** an **airborne** variant of **AIDS. No rule of nature contradicts such a possibility;** the **prolif**eration **of AIDS** cases with secondary pneumonia **multiplies the odds of such a mutant, as an analogue to** the emergence of **pneumonic plague.**

7. Agent CPs aren’t morally relevant.

a. Multiple actors can have the same obligation, so proving that the Gates Foundation should act doesn’t **dis**prove that the USFG has the same obligation.

b. CPs just represent opportunity cost disadvantages, but agent CPs aren’t opportunity costs because they aren’t alternative choices that could be made by the same actor.

#### Agent CPs Bad

Omitted

#### Solvency Advocates Good

Omitted

#### Condo Bad

Omitted

### AT States CP

1. CP doesn’t solve the Aff. Pell Grants are a uniquely federal program.

2. The Plan solves better than state funding. **Buzzini 09**[[62]](#footnote-62)

The main problem with most alternative methods to the Pell Grant is the “idiosyncratic nature of the programs’ creation and the inherent fragility of the operations” (Taylor “Part Two”). **Because there is no nationwide structure as there is with the Pell Grant** (a simple form, the FAFSA, followed by disbursement of funds directly to the school in the name of the recipient), **when problems arise** in such operations, **they become** more and **more difficult to fix because** the **duties fall to prison directors** and the like (**who have** myriad **other duties to deal with**)**,** **instead of** to **professionals who work in** the field of **federal educational aid.** There have been five proposed “feasibility issues” that complicate the whole process. There needs to be an administrative sector, which in the case of the Pell Grant is already in place, but **in the case of other aid forms,** usually does not exist (**the duties** merely **fall to “someone,”** a person **that may or may not follow up on them**). Next is effectiveness, followed by efficiency. Then equity comes into play, with political issues and ramifications bringing up the rear (Taylor “Part Two”). These five feasibility issues elucidate one thing: Pell Grants. **The Pell Grants system** has proven to be efficient and effective, and because of the way recipients are selected (by income) it is also an equal process. Its administrative sector **is already in place, poised to give aid at the drop of a hat.** Clearly, the only problem here is the political hurdle, which it seems prison education may never jump.

# AT Phil NCs

## AT Constitution NC

1. TURN – The Plan is constitutional. **Millhiser 11**[[63]](#footnote-63)

Yet, while Congress’s powers are not unlimited, they are still quite sweeping— and one of Congress’s broadest powers is its power to spend money. **Congress is free to spend money**, so long as it does so **to** “**provide for** the common defense and **general welfare** of the United States.” For this reason, **federal programs** designed **to expand education**al opportunity **are** clearly **constitutional. There is no question that programs designed to build a** highly-**skilled** and competitive national **workforce provide for** the **“general welfare”** of this country.

2. TURN – Necessary and proper clause means vote Aff. The Plan is necessary and proper for the US.

3. TURN – Prison education is required by the constitution. **Datlof 12**[[64]](#footnote-64)

Had a majority of justices accepted Justice Byron White’s claim that “it is not enough that the Texas system before us seeks to achieve the valid, rational purpose of maximizing local initiative; the means chosen by the State must also be rationally related to the end sought to be achieved,” then the situations of the poor could be seen as far more legitimate based on a degree of equality of opportunity, and thus our punishment regime could be more defensible. There were indeed grounds for the justices to have come to the opposite decision, as evidenced by the four dissenting judges. First, Justice White showed that there was no meaningful choice for poor districts. He said, the “Texas system utterly fails to extend a realistic choice to parents because the property tax, which is the only revenue-raising mechanism extended to school districts, is practically and legally unavailable.” 24 Thus, the members of the disadvantaged school districts were discriminated against because there was no other way for them to obtain an acceptable education, the likes of which that would be on par with the education their peers were receiving in neighboring districts. Additionally, although the idea of what is a fundamental right is often unclear, there are strong grounds for saying education ought to be considered one. This is because education serves as a means to access other important rights. **Justice** William **Brennan explains: “**Here, there can be no doubt that **education is inextricably linked to the right to participate**d **in the electoral process and** to the rights 23 San Antonio Independent School District v. Rodriguez, 411 U.S.1 (1973). 24 Id.Datlof 73 of **free speech and association guaranteed by the First Amendment.”** If Americans value these rights, then **all citizens should be provided** with the means—**an adequate education**—**to access those rights.**

4. TURN – Prisoner Pell Grants are constitutional. If they weren’t, the Supreme Court would have prohibited them pre-1994.

5. Devolves to util. The constitutive purpose of the government is to promote the general welfare – that’s the preamble to the Constitution.

6. TURN – Prison education is required by the UDHR. It’s binding on the US.

**Whitney 9**[[65]](#footnote-65)

International law considers the Universal Declaration of Human Rights as customary international law, which means that it has been recognized as “international custom, as evidence of a general practice accepted as law” under the Statute of the International Court of Justice (“ICJ”). So, with “state practice, and a sense of legal obligation, or opinio juris,” a customary norm is born.145 **[S]tandards set by the U**niversal **D**eclaration of **H**uman **R**ights, although initially only declaratory and non-binding, **have** by now, through wide acceptance and recitation by nations as having normative effect, **become binding** customary law**.** Whatever may be the weight of this argument, it is certainly true that **the Declaration is** in practice **frequently invoked as if it were** legally **binding**, both by nations and by private individuals and groups. While not binding, customary norms are still highly influential. International legal scholar Richard Bilder has observed that: **Article 26 of the Declaration** speaks directly to the fundamental right to education. It succinctly **states that “[e]veryone has a right to education.”**147 The purpose of this general statement is to “[develop] . . . the human personality” and promote respect, tolerance, and appreciation among all groups of people.148 This purpose aligns with the conclusion in McGee v. Aaron stressing the importance of education in improving self-esteem and contributing to a person’s successful functioning in society.149 Richard Pierre Claude, author of The Right to Education and Human Rights Education, discusses Article 26 in detail Education takes on the status of a human right because it is integral to and enhances human dignity through its fruits of knowledge, wisdom, and understanding. . . . It is a social right because in the context of the community it promotes the full development of the human personality. It is an economic right because it facilitates economic self-sufficiency through employment or self-employment. It is a cultural right . . . . In short, education is a prerequisite for individuals to function as fully human being in modern society.151 Because the Declaration of Human Rights is customary international law, **it is** s **binding on** all nations, including **the U**nited **S**tates**.** **Prisoners**, though restricted in some of their rights, **are still citizens. The U**nited **S**tates **is obligated** under customary international law **to ensure that all** of its citizens, and thus **its prisoners**, **have access to education.**

International law is key to consistency with the Constitution. Supreme Court agrees.

**ACS 5**[[66]](#footnote-66)

American courts have used international and foreign law in constitutional cases in several different ways. First, it is often used for its empirical value. Second, foreign law is used in the Fourteenth Amendment context to provide insight into the underlying values of equality and liberty. Finally, it is used in Eighth Amendment jurisprudence to determine the “evolving standards of decency that mark the progress of a maturing society.” 17 Perhaps the most common use of international and foreign law is as empirical evidence from societies facing issues similar to our own. As Justice Breyer stated, “Of course we are interpreting our own Constitution, not those of other nations, and there may be relevant political and structural differences between their systems and our own . . . . But their experience may nonetheless cast an empirical light on the consequences of different solutions to a common legal problem.” See Printz v. United States, 521 U.S. 898, 977 (1997) (Breyer, J., dissenting) (emphasis added). **The Court sought** empirical **guidance from international** and foreign **sources** when it determined the constitutionality of the mandatory vaccination program in Jacobson v. Massachusetts, 197 U.S. 11 (1904) and limitations on wheat production in Wickard v. Filburn, 317 U.S. 111 (1942). The experience of other nations demonstrated the substantial state interest in the regulation at issue before the Court. See also Youngstown v. Sawyer, 343 U.S. 579 (1952) (Jackson, J., concurring) (noting the recent experience of various European nations in evaluating an American separation of powers question). Despite his assertion that “such comparative analysis [is] inappropriate to the task of interpreting a constitution,” Printz v. United States 521 U.S. at 921 n.11., **even** Justice **Scalia has relied on foreign sources** in this manner, referring to the actions of legislatures of foreign countries to illustrate that a prohibition on anonymous campaign literature does not violate principles of free speech. See McIntyre v. Ohio Elections Comm’n, 514 U.S. 334 (1995). Beyond their empirical use, foreign and **international sources have** long **been used to ascertain** the scope of protection afforded by the Due Process and Equal Protection **Clauses of the Fourteenth Amendment. Those clauses are drafted broadly and** the rights they **protect**, liberty and equality, are considered **core human rights.** Thus, the Court considered foreign norms, as one part of its larger analysis of whether the criminalization of same-sex sodomy violated the constitutional protection of liberty in Lawrence v. Texas, 123 S. Ct. 2472 (2003). Indeed, the Court had looked to such norms in Bowers v. Hardwick, 487 U.S. 186 (1986), which Lawrence overruled, but as the majority opinion in Lawrence pointed out, Bowers disregarded the contemporaneous state of the law in “Western civilization.” At the time Bowers was decided, the British Parliament had repealed laws punishing homosexual conduct and the European Court of Human Rights had struck down such laws. 17 Trop v. Dulles, 356 U.S. 86 (1958)7 Recently, in Grutter v. Bollinger, 539 U.S. 306 (2003), **Justice Ginsburg used i**nternational **law to elucidate the meaning of “equal protection.”** There, the majority opinion stated that race-conscious admissions programs must have a logical end point. In her concurrence, Justice Ginsburg observed that this statement accorded with the international understanding of affirmative action so long as the end point for such programs coincided with the full and equal enjoyment of human rights and fundamental freedoms across all racial groups.

7. No link. The Plan doesn’t affect sentencing.

8. TURN – Rehab is constitutional. It’s key to due process. **Rotman 86**[[67]](#footnote-67)

To oppose a right to rehabilitation is to ignore **the due process** limitation to criminal sanctions embodied in the **principle** "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond** what was prescribed by the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle **is embodied in** the prohibition of ex-post facto laws and bills of attainder and in **the fifth and fourteenth amendments.**37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. If imprisonment itself is the punishment, the **unchecked harmful effects of incarceration on** the **mental and social health of the inmate represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

9. Non-unique. Absent the Plan, there will be religious rehab which violates separation of church and state in the First Amendment – that’s Lockard 12.

10. Extinction still comes first. It is the worst violation of the constitution.

**Abraham Lincoln 64**[[68]](#footnote-68)

I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling. It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power. I understood, too, that in ordinary civil administration this oath even forbade me to practically indulge my primary abstract judgment on the moral question of slavery. I had publicly declared this many times, and in many ways. And I aver that, to this day, I have done no official act in mere deference to my abstract judgment and feeling on slavery. I did understand however, that **my oath to preserve the constitution** to the best of my ability, **imposed upon me the duty of preserving**, by every indispensabale means, that government — **that nation — of which that constitution was** the organic **law.** Was it possible to lose the nation, and yet preserve the constitution? By general law life and limb must be protected; yet often **a limb must be amputated to save a life;** but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution, through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it. **I could not** feel that, to the best of my ability, I had even tried to **preserve the constitution, if**, to save slavery, or any minor matter, **I should permit the wreck of** government, **country, and Constitution all together.**

(\_\_\_) No link to states’ rights. Pell Grants are a federal program.

## AT Due Process NC

1. No due process violation. Plan doesn’t change sentencing, so affirming doesn’t lead to arbitrary trials.

2. TURN – Rehab is key to due process. It solves undeserved harms from imprisonment.

**Rotman 86**[[69]](#footnote-69)

**To oppose** a right to **rehab**ilitation **is to ignore the due process** limitation to criminal sanctions embodied in the **principle** "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is **embodied in** the prohibition of ex-post facto laws and bills of attainder and in **the fifth and fourteenth amendments.**37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. **Due process** of law **is** also **violated when imprisonment includes punitive ingredients not specified by statute.** This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration on the mental and social health of the inmate represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

## AT Dagger NC

1. No link to Pell Grants. The Plan doesn’t affect sentencing.

2. TURN – The Plan solves free riding. Giving inmates education ensures they contribute to the economy and stop committing crimes – That’s Buzzini 09.

3. Devolves to util. It would be in society’s interest to agree to maximize utility all the time. Controls the link to Dagger since he says society is created for mutual benefit.

4. The warrants for the side constraint are pragmatic, not absolute, so extinction still comes first.

5. Extinction is a prereq. Can’t have society in the first place if we’re all dead.

6. Extinction turns the case. Worst harm to citizens. Most unequal burden.

7. TURN – criminals have less access to Pell Grants than noncitizens, so plan equalizes Pell Grants access. That outweighs because education is a prerequisite to being able to use other social benefits.

8. TURN – criminals are disproportionately poor, so it’s good to help them because it brings them closer to the social equilibrium.

9. TURN – Rehab is key to social equilibrium. Your author agrees. **Dagger 12**[[70]](#footnote-70)

The second point to note, by way of elaboration, is that the fair-play theory is essentially retributive. Punishment is justified because those who break the law take unfair advantage of those whose law-abiding cooperation makes the rule of law possible. Punishment is thus a way of paying back those who do not play fair. **Fair play does not** begin and **end with** simple **retribution**, though. **It** also aims at maintaining society as a fair system of cooperation under law; indeed, it aims to move polities closer to that ideal. That is why the fair-play theory **will support** penal policies, such as **rehab**ilitation, that are not ordinarily associated with straightforward retribution. Three problems of penal policy To see how considerations of fair play can generate this support for rehabilitation, let us begin by addressing the three controversies I mentioned earlier: those involving recidivism, voting rights and the public or private management of prisons. The first of these may appear to be something less than controversial, for the practice of punishing recidivists more severely than first-time offenders seems to be widely accepted. From the standpoint of retributive theory, though, this 'recidivist premium' is hard to justify. If the point of punishment is to give criminals their just desert, then why should we care whether the offender has stolen a car for the first, second, third or fourth time? The offence is the same in every case, so shouldn't the punishment also be the same? The fair-play theorist can answer these questions by saying that the offence is not really the same in these cases, not even when the recidivist steals a car of exactly the same value every time he steals. If we can reasonably assume that the offender has had a fair chance to live as a law-abiding member of the polity, then **the aim of punishment** in the first instance **is to give** him his **due as a criminal** who has not played fair with others **and** to **restore him** to his place **in the polity as a citizen** who respects the person and property of other citizens. If the punishment proceeds in accordance with this aim, then we have a reason to think that recidivists deserve harsher punishment when they offend again. Despite our efforts to impress upon recidivists the injustice of their actions to those who make it possible for them to enjoy the benefits of the rule of law, they continue to hold themselves above the law. Each new offence is thus a worse offence, for each is in a way less fair than the one before it. To be sure, this argument assumes that the punishment the offender receives is in keeping with the aims of retribution and restoration, which is quite a lot to assume. The high rate of recidivism in Britain and the US suggests that prison is at least as likely to prepare prisoners for a life of crime as to convince them of the virtues of the law-abiding citizen. But here is where the theory of fair play holds legislators, prison administrators and the polity in general accountable. **If punishment is** to be **justified on** the grounds of **fair play,** then **we must see to it that people** have a reasonable chance to play fair. In particular, we must see to it that the men and women **who pass through** the gates of **prison** are treated in ways that help them to **grasp that society is a fair system of cooperation** under law **and that they have a responsibility to** do their part to **support it.** Exactly what we should do for and to prisoners if we are to help them in this way is a difficult and complicated problem. We confront it, for example, when we consider the question of whether prisoners should be allowed to vote. Without entering into the details of the current controversy between the British government and the European Court of Human Rights on this point, it seems to me that those convicted of crimes serious enough to warrant a prison sentence should lose their voting rights while they are imprisoned. This is currently the case in the UK and in all but two states in the US. In a society that approaches the ideal of a fair system of cooperation under law, crime is, among other things, a failure to do one's civic duty. It is appropriate, then, to suspend some of the criminal's civil rights as part of his or her punishment. When the punishment is complete, however, and the offender's debt to society has been discharged, his or her voting rights should be restored. This is what fair play requires. In the US, where several states either bar ex-felons outright from voting or make it extremely difficult for them to regain the franchise, this basic requirement of fair play is violated. If we are to expect offenders to play fair with the law-abiding members of the polity, we must also play fair with them. What, finally, of the trend toward private management and even ownership of prisons, a trend especially marked in the US? Fair-play theory can countenance such arrangements as long as it remains clear that punishing criminals is a matter of the public interest for which the public is ultimately responsible. When the treatment of prisoners becomes a matter of corporate profit or loss, we have reason to worry that this treatment will not foster the sense of fair play we should want offenders to take with them when they have completed their sentences. More promising to my mind than the private-for-profit prison is the social-enterprise model that the RSA is now championing. This model has many virtues from the perspective of fair-play theory. One is the way it regards prisoners' work as a form of rehabilitation rather than a means of generating profits; another is the careful transition it envisions between prison leaving and full re-entry into the polity. Fair play and the rehabilitation revolution Fair-play theory does not by itself answer every question of penal policy and practice. It does, however, provide a framework for approaching these questions and guidance as to how to answer many of them. More broadly, it provides a way of connecting the retributive nature of punishment with the desire to rehabilitate criminals. If the polity is to be a fair system of cooperation under law, then punishment of those who break the law is warranted. But such **punishment should** also **aim at returning to society ex-offenders** who are **ready** and willing **to do their part in the cooperative effort** by respecting the law. Whether a policy that embraces rehabilitation in this way is really revolutionary is doubtful. Nevertheless, rehabilitation need not be revolutionary to be right. What matters is that it is fair.

10. Doesn’t turn the aff. It’s empirically denied. There wasn’t massive social disorder the last time prisoners got Pell Grants.

## AT Natural Purpose NC

Devolves to util. 2 reaons.

1. The criminal justice system is utilitarian. It acts on the assumption that death is a moral harm that must be minimized. **Sidgwick 1**[[71]](#footnote-71)

In II/3 I pointed out the scientiﬁc •difﬁculties in comparing pleasures, and you may think that by broadening the scope of utilitarianism we are greatly increasing •them: if it’s hard to compare the pleasures and pains of other men accurately with our own, a comparison of either with the pleasures and pains of lower animals is obviously even darker. But the difﬁculty isn’t greater for utilitarians than for any other moralists who pay some moral attention to the pleasures and pains of lower animals. But even if we attend only to human beings, it’s still not quite determinate who the morally relevant ‘all’ are. How far we are to consider the interests of posterity when they seem to conﬂict with those of now-existing human beings? The answer to this, though, seems clear: the time at which a man exists can’t affect the value of his happiness from a universal point of view; so the interests of posterity must concern a utilitarian as much as those of his contemporaries—except in that the effect of his actions on the lives and even the existence of posterity must be more uncertain. ·Note ‘even the existence’·: we can inﬂuence how many future human (or sentient) beings there will be; which raises the question of how, on utilitarian principles, this inﬂuence should be exercised. In discussing this I shall assume that **for human beings** generally **life** on the average **yields a positive balance of pleasure over pain.** Some thoughtful **folk have denied this; but** the **denial conﬂicts with the common experience of [hu]mankind** as expressed in **their common patterns of action. The** great **majority** of men, in the great majority of conditions in which human life is lived, certainly **act as if death were one of the worst** of **evils** for themselves and for those they love; and the **administration of criminal justice proceeds on a similar assumption.**

2. The nature of legislators is utilitarian, not retributive. This evidence is comparative. **Rawls 55**[[72]](#footnote-72)

On the other hand **we have** the institution of **punishment** itself, and recommend and accept various changes to it, **because it is thought by the** (ideal) **legislator** and by those to whom the law applies **that**, as a part of a system of law impartially applied from case to case arising under it, **it will have the consequence**, in the long run, **of furthering** the **interests of society.** One can say, then, that the judge and the legislator stand in different positions and look in different directions: one to the past, one to the future. The justification of **what the judge does**, *qua* judge, **sounds** like the **retributive** view**;** the justification of **what the legislator does**, *qua legislator*, **sounds** like the **utilitarian** view. Thus both views have a point (this is as it should be since intelligent and sensitive persons have been on both sides of the argument); and one’s initial confusion disappears once one sees that these views apply to persons holding different offices with different duties, and situated differently with respect to the system of rules that make up the criminal law. One might say, however, that **the utilitarian view is more fundamental since** it applies to a more fundamental office, for **the judge carries out the legislator’s will** so far as he can determine it. Once the legislator decides to have laws and to assign penalties for their violation (as things are there must be both the law and the penalty) an institution is set up which involves a retributive conception of particular cases. It is part of the concept of the criminal law as a system of rules that the application and enforcement of these rules in particular cases should be justifiable by arguments of a retributive character. The decision whether or not to use law rather than some other mechanism of social control, as the decision as to what laws to have and what penalties to assign, may be settled by utilitarian arguments; but if one decides to have laws then one has decided on something whose working in particular cases is retributive in form.

## AT Kant NC

1. Buzzini 9 proves that Pell Grants solve crime which turns the case. Desert justifies minimizing crime independent of util. **Clark 3**[[73]](#footnote-73)

Moore’s naturalism has not led him to such a conclusion, even though he, like myself, concedes that science will eventually fill in all the gaps in our understanding of mind, brain, and behavior, thus revealing the causal story behind each and every offender. For Moore, knowing that criminality is indeed generated by circumstances well beyond the control of the criminal, that in fact whole populations are doomed to much higher rates of criminality due to environmental factors, does nothing and should do nothing to mitigate our retributive inclinations, or to shift the aims of criminal law from the punitive to the ameliorative. I suspect, but cannot prove, that this is because he hasn’t taken his naturalism far enough to see the natural function of retribution itself. As discussed above, Moore’s **criteria for moral agents – rationality and lack of coercion** or duress – are **just** those which **pick out individuals for whom retribution might** efficiently function as a **deter**rent. But Moore’s **insistence on** the **intrinsic good of retribution**, based on our desire for it, must suppress this connection, since after all to admit that retribution serves a function, however imperfectly, **means that the goal** it aims at – the **socially advantageous** shaping of **behavior – is itself** a **good.** And if that good has a claim on us, as it surely does, then it forces us to consider whether retribution is the best means to that end. Also, it might well be the case (I believe it is the case) that seeking to impose just deserts as a supposed end-in-itself substantially conflicts with achieving a society which minimizes unnecessary suffering and maximizes human flourishing. Forgoing our pound of flesh in favor of non-punitive detention, re-education, and social reforms such as education, community development, and economic empowerment, is the best route to good behavior. If one divorces, as does Moore, the desire for retribution from any socially desirable function or outcome, how does one justify acting on it? It can’t be just because we desire it. After all, there are many desires we might have, some of which may well produce suffering in others, that we can’t justify acting on. Moore makes vivid the motivational basis for retributive justice, and shows that at least some of the emotions underlying it have virtue, such as our outrage at the unnecessary suffering of victims. But **what makes** this **outrage moral**ly virtuous (when it doesn’t slide into vindictive pleasure at the suffering of the offender) **is** precisely that it seeks a good consequence, namely the ending and prevention of victims’ suffering. To make the case that retribution is an intrinsic moral good, it seems Moore must connect it to something more than the bare desire that an offender suffer in turn. But any step outside that desire, or any demonstration of its virtue, must involve some sort of consequence, some outcome, some good that the imposition of the offender’s suffering brings about. Some obvious consequences of retribution one could cite are, of course, **that offenders are** incapacitated, **deterred** (perhaps), and reformed (rarely). But since Moore explicitly disavows these as playing a role in his account of the law - he says they are just the "bad reasons for what we believe on instinct anyway" - it seems that the intrinsic moral worth of retribution can only be a matter of instinct, of desire. But why should we agree that something is a moral good if its only justification is to satisfy a desire that someone should suffer? There has to be more to it, but what that is goes unsaid in Placing Blame, as far as I can see.

2. No link to the plan. Pell Grants don’t affect sentencing.

3-7. Omitted (Generic Kant Answers).

8. TURN – Pell Grants are key to human worth. **Yates 09**[[74]](#footnote-74)

Should we be concerned about victims of crimes committed by post-release prisoners who are unable to find employment due to lack of education? Should we care about the families of prisoners who often face emotional, psychological and economic hardship because of the loss of a loved one? Most definitely, but what about the prisoners themselves, the ones who have overstepped the borders of society‟s moral and judicial codes? Criminologist David Garland (2001) states that there are two dominant schools of 50 thought in criminology: 1) There are those who view prisoners as having the same opportunities as everyone else, but just made the wrong rational choices. However, **prisoners** generally do not have the same backgrounds as most in society since they **are usually poor** with little formal education**. To think of them as “the same as us” only with bad judgment is to deny** the very real socioeconomic **inequities that exist for most prisoners.** 2) The other common outlook is to view prisoners as incorrigible, fatallyflawed “animals” who should either be locked up or released only under highly disciplined, supervised conditions, denied fundamental rights such as voting and free association. To dehumanize them in this manner is to dismiss the lives of former prisoners such as Socrates, Jesus Christ, Eugene Debs, Mahatma Gandhi, Rosa Parks, Martin Luther King, Jr. and Nelson Mandela. Garland suggests an alternative outlook, one that recognizes that irrationality can be universal and that **choices are** usually **not made out of context of** the **existent economic** and social **conditions.** This way of seeing prisoners does not romanticize or demonize them. It allows us to realistically examine the societal conditions that give rise to our police and penal state; and to work toward equality based upon an understanding of our shared life struggle. Kevin Warner and Thom Gehring (2007) suggest this view can be applied to how prisoners are educated. “Whether we are dealing with a prisoner in the overall context of the prison, or a learner who happens to be in prison, deficit models – which in each case over concentrate on what is deemed wrong or missing – are avoided as far as possible in favour of broader approaches to imprisonment and to **education** that **recognizes the common humanity of our fellow citizens in prison**” (p 182).

9. TURN – Rehabilitation is key to equal freedom. **Merle 2k**[[75]](#footnote-75)

One may object that such an interpretation draws on a metaphysical assumption. In fact, Kant obviously expressesmetaphysical assumptions in his Doctrine of right, for instance that “the offspring is a person, and it is impossible to form a concept of the production of a being endowed with freedom through a physical operation” (DR, §28, VI, 280, Gregor, Practical Philosophy 429). But one need endorse no such assumptions, whether to recognize all agents as potential citizens or to recognize them as actual citizens, just as soon and as long as they are able to respect the right of others for whatever reasons (by observance of the categorical imperative or by mere self-interest in having his own freedom recognized by the legal community). To be a ‘citizen of the world’ means having A KANTIAN CRITIQUE OF KANT’S THEORY OF PUNISHMENT 333 a claim towards the state to preserve one’s possibility of becoming an actual citizen of the state. Moreover, the establishment of a legal community between all human beings is a postulate or a requirement. It is not only a requirement from the point of view of Kant’s categorical imperative. It is even a requirement if we admit Pogge’s one-way thesis that we must accept Kant’s system of right if we accept his categorical imperative, but that we do not have to accept the categorical imperative if we accept Kant’s system of right. Indeed, **Kant’s doctrine of right** is not merely descriptive, but normative – it clearly contains the criterion of universalization and applies it to all external freedoms, i.e. agents. Thus Kant’s system of right **does not produce** the **agents, but takes them for granted, and** it **ought to integrate them** as far as possible **in** the law of **mutual** limitation of **freedom.** In my view, this demands that the system of law promote the development of the ability to obey the law. In fact, Kant explicitly deals with the development of this ability by children and “savages”. Now, there is no difference between criminals and children but the special obligation parents have towards the child they have borne. Therefore I shall consider dealing with criminals by analogy with the treatment Kant reserves to children. In his Pedagogy, Kant conceives of education as a double task, i.e. “discipline” and “culture” (IX, 449). The same goal is to be pursued in the case of children as in the case of savages. Kant’s concept of right presents a reciprocal coercion of citizens that should be guaranteed by the public coercion exercised by the state. On the contrary, the criminal as well as the child and the savage are subject to a unilateral coercion that Kant calls “discipline” or “breeding” in the Pedagogy. “Discipline submits the human being to the laws of humanity and begins to let him feel the coercion of the laws” (Pedagogy, IX, 442). Kant conceives of discipline as a prerequisite to culture, i.e., to the positive part of education. Obedience to the laws must first be obtained by an external force applied against the human being before she aquires the ability to voluntarily obey the law and – which is most important – to give herself her own law, which constitutes freedom under the law, i.e. the civil state. When we force a dog to obey a rule, we just want the dog to obey our rule. 334 JEAN-CHRISTOPHE MERLE In a human being on the other hand, **we should promote humanity as a goal**, i.e., external freedom under a law. **Thus punishment should** also **promote**sthe **rehab**ilitation of the criminal**.** Kant thinks of a possible time limit to the punishment. The thief “is reduced to the status of a slave for a certain time, or permanently if the state sees fit” (DR VI, 333, Gregor 106). But there is unfortunately no other occurrence of this time limit in the Doctrine of Right. The reason for this may be that he considers the education of criminals and savages to be much more difficult than the education of children.Kant explains: “the human being has [. . . ] a such a great inclination for freedom that he sacrifices everything for it, once he is accustomed to it for a while” (Pedagogy, IX, 442). Yet **Kant nowhere excludes** for any criminal the possibility of **rehab**ilitation. **In Kant’s Doctrine** of Right, **not even the murderer must always die.** The **exceptions include** not only the one mentioned above, i.e. the case of the murderer with too many accomplices (DR, VI, 334, Gregor 107), but also **the case in which the sovereign uses his “right to grant clemency”.** Therefore, the murderer can eventually be rehabilitated and released, unless her release would threaten the security of the other citizens, i.e., unless is not yet disciplined. Now, the possibility of rehabilitation is strictly incompatible with the death penalty. The alternative solution to retributivism I am sketching is not at all utilitarian. It absolutely does not consider punishment “merely as a means to promote some other good for the criminal himself or for civil society” (VI, 331, Gregor 105). Rehabilitation certainly benefits the murderer more than the death penalty does. However, the rehabilitation model I have sketched relies on no goal but the goal of restoring the civil state that has been broken by the crime, and to restore it so that it can include the criminal again. To this purpose the only means available is punishment as unilateral coercion. During the time this discipline is enforced, the legal community is protected against the risk of repetition. In my sketch, punishment also has a goal that is internal to the concept of right as well as to the humanity in every person. I admit that the theory of general deterrence also has a goal that is internal to the concept of right, in so far as punishment motivates other citizens to obey the law. But the humanity in the person of the criminal is not taken seriously into consideration by the theory that makes general deterrence the rationale A KANTIAN CRITIQUE OF KANT’S THEORY OF PUNISHMENT 335 for punishment. Indeed, in order to maximize the deterrence effect, the theory of general deterrence may extend the punishment to the time and the degree necessary to rehabilitate the criminal as a full citizen.

10. Consistency with equal freedom is just defense. Neg needs to win a positive justification for retribution. This requires util. **Wood 90**[[76]](#footnote-76)

**If criminals will their** own **punishment**, as Hegel's theory says, then it follows that **the state violates no right of theirs** by punishing them; they are punished in accordance with their own rational will. **It does not follow**, however, **that the state has** acquired any **positive reason to punish** them. In particular, it does not follow that the state in any sense fails to honor a criminal's rational will if it chooses not to punish the criminal. Perhaps Hegel's thought is that since criminals will the actual violation of the other's right, they are committed to willing the actual violation of their own right. That thought is mistaken, or at least without foundation in Hegel's theory. Criminals do not typically desire the violation of the other's right for its own sake; often they regard it only as a regrettable means to their end. Even where criminals do desire the violation of right for its own sake, it is not clear that Hegel's theory of abstract right entitles us to say that the criminal act [this doesn’t] commits the criminal to positively willing that anyone else's rights should be violated. Abstract right, according to Hegel, deals entirely with permissions. It grounds positive actions only when they can be interpreted as cases of standing aside and allowing persons to exercise freedom within their proper external sphere (PR § 38). It seems inconsistent with the spirit of Hegel's theory to suppose that the criminal act has the effect of going beytfnd the granting of a permission. Hegel's own language reflects this, when he describes **the criminal** as **[is] "consenting" to punishment**, as having declared that "it is right to violate freedom" and that it is "allowed" to violate the right he is violating (VPR17: 70). **[But] To say that I consent to** or allow **something is to** say that I **permit it, but not** that I **positively demand** it. Occasionally, it is true, criminals do positively desire to be punished, and' do not feel properly reconciled with themselves until they have undergone punishment. Hegel, like Dostoyevsky, might find such sentiments appropriate and want to encourage them. There is nothing in Hegel's theory, however, that explains the desire of wrongdoers to be punished or lends any support to it. **If criminals want to be punished, that might provide the state with a reason for punishing** them; **but it would be a consequentialist, not a retributivist reason.**

11. Freedom is a mere means. Happiness is the end. **Kymlicka 90** writes[[77]](#footnote-77)

Firstly, as Taylor notes, telling people to act freely does not tell them what particular actions are worth doing. But even if it provided determinate guidance, it still presents a false view of our motivations. If I am writing a book, for example, my motivation is not to be free, but to say something that is worth saying. Indeed, if I did not really want to say anything, except in so far as it is a way of being free, then my writing would not be fulfilling. What and how I write would become the result of arbitrary and ultimately unsatisfying choices. If writing is to be intrinsically valuable, I have to care about what I am saying, I have to believe that writing is worth doing for its own sake. **If we are to understand the value people see in their projects, we have to look to the ends** which are **internal to them. I do not pursue** my **writing for the sake of** my **freedom. On the contrary, I pursue** my **writing** for its own sake, **because there are things** which are **worth saying. Freedom is valuable because it allows me to say them.**

12. Rehab is key to proportional punishment. **Rotman 86**[[78]](#footnote-78)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

13. TURN –Kantian conception of punishment is inconsistent with human worth.

**Merle 2k**[[79]](#footnote-79)

In all this kinds of punishment, the criminal is neither considered nor treated as an actual member of the legal community. Kant himself speaks against slavery, including voluntary enslavement as well as the sale of one’s own children and born slaves. However, Kant 328 JEAN-CHRISTOPHE MERLE makes a single exception, namely for “someone who has forfeited his personality by a crime” (DR VI, 283, Gregor 66). The strict consequence of this exclusion seems tome to be clearly expressed by Fichte: either **the criminal as out-law is relegated to** the desert, where she will die in a more atrocious manner, or she is allowed **be killed by anyone like an**y noxious **animal.** This conclusion, which is drawn from the exclusion from the civil community, has only a heuristic function, since just as it is not Fichte’s last word, nor will it be our last word in our Kantian reconstruction of punishment. V. REHABILITATION BY DISCIPLINE **In spite of** the **loss of personality, it is forbidden to treat the criminal like** either a thing or **an animal** – for instance like a noxious animal – for the following reasons. The most important argument provided by Kant in §49E of **the Doctrine of Right** seems to rely on one of the formulations of the categorical imperative: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (GMM IV, 429, Gregor 80). In the Doctrine of Right, §49E **seems to apply this formulation** to the case of the criminal: “For **a human being can never be treated** merely **as a means** to the purposes of another or be put among the objects of rights to things: his **innate personality protects him from this, even though he can** be condemned to **lose his civil personality**” (DR VI, 331, Gregor 105).

14. Desert fails in a political context. **Merle 2k**[[80]](#footnote-80)

We have already seen how the principle of equality in retribution (Wiedervergeltung) suddenly appears in ß49E, without Kant trying to deduce it from his principle of right. If we search for an argument in favor of this principle in the Doctrine of Right, we find the following in “Preliminary Concepts of the Metaphysics of Morals (Philosophia practica universalis)”. If someone does the duty he can be constrained by law to do, “he does what is owed (debitum); [. . . ] if what he does is less than the law requires, it is morally culpable (demeritum). The rightful effect of what is culpable is punishment (poena) [. . . ]; conduct in keeping with what is owed has no rightful effect at all” (DR, VI, 227–228, Gregor 19). The debt (debitum) results from the criminal not fulfilling what the law requires. Here the double meaning of the German word “Schuld” comes into the game. It means debt (debitum) as well as culpability (culpa). Retributivism does not mean anything but: (a) the criminal who is guilty of the crime [culpa] didn’t pay his debt [debitum]; (b) an unpaid debt still remains to be paid off; (c) the punishment is the paying off of the debt. To take the two meanings of Schuld – debitum and culpa, – as being equivalent is misleading and actually leads to fallacies in the case of crimes that cause damages for which there is no compensation, i.e. of all irreparable crimes. All the not irreparable infringements of the law are **private crimes** for which not the civil courts, but the criminal courts are competent. Kant offers the examples of “embezzlement, that is misappropriation of money or goods entrusted for commerce, and fraud in buying and selling, when committed in such a way that the other could detect it” (DR VI, 331, Gregor 105). Such crimes **endanger not** the existence of **the legal community, but** only individual **people who** voluntarily **trusted** in **the criminal** and engaged in contracts with him. On the contrary, public crimes don’t infringe private contracts, but the civil state itself. For this, as well as for the violence against or death of the victim, there is no possible compensation. For instance, how can a prison sentence or a death sentence ever compensate for the crime as far as the victim is concerned? **What could** ever **compensate for** the **insecurity to all citizens caused by** a **murder?** The **debt toward the legal community** (debitum) **was to be paid off** only **by abstaining from** commiting **crime**s. **Once a crime is committed the criminal can no longer pay off the debt.** Once she has lost her civil personality, the criminal has even lost the possibility of paying off her debt to the community for the future, i.e. the possibility of either obeying the law in the future.

15. The actor is the state, not the individual. The state’s not free. Its constitutive purpose is general welfare – that’s the preamble to the constitution.

16. TURN— the plan is key to freedom. **Johnson 65** writes[[81]](#footnote-81)

That beginning is freedom; and the barriers to that freedom are tumbling down. **Freedom is the right** to share, share fully and equally, in American society—to vote, **to hold a job,** to enter a public place, **to go to school. It is the right to** be treated in every part of our national life as a person **equal** in **dignity** and promise to all others. But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please. **You do not take a person** who, for years, has been **hobbled by chains and** liberate him, bring him up to the starting line of a race and then **say, “you are free to compete with all the others,”** and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. **We seek not just legal equity** but human ability, **not just equality as a right** and a theory **but equality** as a fact and equality **as a result.**

## AT Evolution NC

1. No link. Plan doesn’t affect sentencing.

2. TURN –Education is key to our evolutionary tendencies. **Gray 11** write[[82]](#footnote-82)

**Hunter-gatherer bands** and the Sudbury Valley School **are**, in quite different ways, **democracies.** As I noted earlier, hunter-gatherer bands did not have chiefs who make decisions for the group. Instead, all group **decisions were made through long discussions** until all who cared came to an agreement. Anybody, including children, could take part in those discussions. Sudbury Valley is administered through a formal democratic process, involving discussions and votes of the School Meeting, where each student and staff member who chooses to attend has an equal vote. Immersion in the democratic process endows each person with a sense of responsibility that helps motivate education. **If my voice counts,** if I have a real say in what the group does and how it operates, then **I’d better think** things through **carefully and speak wisely. I’m responsible** not just for myself but also **for my community, so that’s a good reason** for me **to educate myself** in the things that matter to my community.

3. Buzzini 9 proves that Pell Grants solve crime which turns the case. The NC justifies minimizing crime independent of util.

**Clark 3**[[83]](#footnote-83)

Moore’s naturalism has not led him to such a conclusion, even though he, like myself, concedes that science will eventually fill in all the gaps in our understanding of mind, brain, and behavior, thus revealing the causal story behind each and every offender. For Moore, knowing that criminality is indeed generated by circumstances well beyond the control of the criminal, that in fact whole populations are doomed to much higher rates of criminality due to environmental factors, does nothing and should do nothing to mitigate our retributive inclinations, or to shift the aims of criminal law from the punitive to the ameliorative. I suspect, but cannot prove, that this is because he hasn’t taken his naturalism far enough to see the natural function of retribution itself. As discussed above, Moore’s criteria for moral agents – rationality and lack of coercion or duress – are just those which pick out individuals for whom retribution might efficiently function as a deterrent. But Moore’s **insistence on** the **intrinsic good of retribution, based on our desire for it,** must suppress this connection, since after all to admit that retribution serves a function, however imperfectly, **means that the goal** it aims at – the **socially advantageous** shaping of **behavior – is itself** a **good.** And if that good has a claim on us, as it surely does, then it forces us to consider whether retribution is the best means to that end. Also, it might well be the case (I believe it is the case) that seeking to impose **just deserts as a supposed end-in-itself** substantially **conflicts with achieving a society which** minimizes unnecessary suffering and **maximizes human flourishing.** Forgoing our pound of flesh in favor of non-punitive detention, re-education, and social reforms such as education, community development, and economic empowerment, is the best route to good behavior. If one divorces, as does Moore, the desire for retribution from any socially desirable function or outcome, how does one justify acting on it? It can’t be just because we desire it. After all, there are many desires we might have, some of which may well produce suffering in others, that we can’t justify acting on. Moore makes vivid the motivational basis for retributive justice, and shows that at least some of the emotions underlying it have virtue, such as our outrage at the unnecessary suffering of victims. But **what makes** this **outrage moral**ly virtuous (when it doesn’t slide into vindictive pleasure at the suffering of the offender) **is** precisely that it seeks a good consequence, namely the ending and prevention of victims’ suffering. To make the case that retribution is an intrinsic moral good, it seems Moore must connect it to something more than the bare desire that an offender suffer in turn. But any step outside that desire, or any demonstration of its virtue, must involve some sort of consequence, some outcome, some good that the imposition of the offender’s suffering brings about. Some obvious consequences of retribution one could cite are, of course, **that offenders are** incapacitated, **deterred** (perhaps), and reformed (rarely). But since Moore explicitly disavows these as playing a role in his account of the law - he says they are just the "bad reasons for what we believe on instinct anyway" - it seems that the intrinsic moral worth of retribution can only be a matter of instinct, of desire. But why should we agree that something is a moral good if its only justification is to satisfy a desire that someone should suffer? There has to be more to it, but what that is goes unsaid in Placing Blame, as far as I can see.

4. Evolution devolves to util. Darwin agrees. **Schroeder 5** writes[[84]](#footnote-84)

The biologization of ethics started with the publication of The Descent of Man by Charles Darwin (1809-1882) in 1871. In this follow-up to On the Origin of Species, Darwin applied his ideas about evolutionary development to human beings. He argued that humans must have descended from a less highly organized form–in fact, from a “hairy, tailed quadruped … inhabitant of the Old World” (Darwin, 1930: 231). The main difficulty Darwin saw with this explanation is the high standard of moral qualities apparent in humans. Faced with this puzzle, Darwin devoted a large chapter of the book to evolutionary explanations of the moral sense, which he argued must have evolved in two main steps. First, **the root for** human **morality lies in** the **social instincts** (ibid. 232). Building on this claim by Darwin, today’s biologists would explain this as follows. Sociability is a trait whose phylogenetic origins can be traced back to the time when birds “invented” brooding, hatching, and caring for young offspring. To render beings able to fulfill **parental responsibilities required social mechanisms** unnecessary at earlier stages of evolutionary history. For example, neither amoebae (which reproduce by division) nor frogs (which leave their tadpole-offspring to fend for themselves) need the social instincts present in birds. At the same time as facilitating the raising of offspring, social instincts counterbalanced innate aggression. It became possible to distinguish between “them” and “us” and aim aggression towards individuals that did not belong to one’s group. This behavior is clearly adaptive in the sense of ensuring the survival of one’s family. Second, **with** the development of **intellectual faculties, human** being**s** were able to **reflect on past actions** and their motives **and** thus **approve or disapprove** of others as well as themselves. This led to the development of a conscience which became “the supreme judge and monitor” of all actions (ibid. 235). Being influenced by utilitarianism, **Darwin believed that the greatest-happiness principle will inevitably** come to **be regarded** as a standard for right and wrong **by social beings** with highly evolved intellectual capacities and a conscience. Based on these claims, can Darwin answer the two essential questions in ethics? First, how can we distinguish between good and evil? And second, why should we be good? If all his claims were true, they would indeed support answers to the above questions. **Darwin’s distinction between good and evil is identical with** the distinction made by hedonistic **util**itarians. Darwin accepts the greatest-happiness principle as a standard of right and wrong. Hence, an action can be judged as good if it improves the greatest happiness of the greatest number, by either increasing pleasure or decreasing pain. And the second question–why we should be good–does not pose itself for Darwin with the same urgency as it did, for instance, for [Plato](http://www.iep.utm.edu/plato/) (Thrasymachus famously asked Socrates in the Republic why the strong, who are not in need of aid, should accept the Golden Rule as a directive for action). Darwin would say that humans are biologically inclined to be sympathetic, altruistic, and moral as this proved to be an advantage in the struggle for existence (ibid. 141).

5. TURN – Absent the Plan, there will be religious rehab which inspires criminals to deny evolution. That’s Lockard 12.

6. Evolution devolves to util. Natural selection confirms that happiness is morally good.

**Contestabile 13**[[85]](#footnote-85)

The selective advantage of pain Subjective sensations, such as pleasures and pains, are adaptive traits of organisms. So far as we know, there is no fundamental physical reason why pleasure is attached to some circumstances and pains to others. We might have evolved to find the sensation of having a finger caught in a door intensely pleasurable, just as dung-flies may well relish the smell of excrement. On the evolutionary hypothesis, **the fact that pleasures are** generally **associated with beneficial, and pains with detrimental, experience**s, **is the result of natural selection** among random variations: those **individuals who** happen to **have an association of this kind have higher biological fitness** than those who have no such association, or the reverse association ([No Pain - no Gain](http://www.gnxp.com/MT2/archives/001888.html) by David B.) If individuals with “the capability to feel pain” have a higher biological fitness, then – conversely – those without this capability have a selective disadvantage. Example: **People with** congenital **insensitivity to pain** [Nagasako] **have** a **reduced life expectancy.** The rare individuals who cannot feel pain fail even to experience discomfort from staying in the same position for long periods. Their unnatural stillness impairs the blood supply to their joints, which then deteriorate. Such pain-free people usually die by early adulthood from tissue damage and infections [Nesse].

7. Fallacy of origin. Just because morality is a product of natural selection doesn’t mean consistency with natural selection is valuable.

8. Plan’s key to beneficence which comes first. Altruistic evolutionary instincts are fundamental to morality itself, unlike resentment.

**Ruse 86** writes[[86]](#footnote-86)

Since the ant option is closed, we humans might theoretically have achieved “altruism” by going right to the other extreme. We might have evolved superbrains, rationally calculating at each point if a certain course of action is in our best interests. “Should I help you prepare for a difficult test? What’s in it for me? Will you pay me? Do I need help in return? Or what?” Here, there is simply a disinterested calculation of personal benefits. However, we have clearly not evolved this way. Apart from anything else, such a superbrain would itself have high biological cost and might not be that efficient. By the time I have decided whether or not to save the child from the speeding bus, the dreadful event has occurred (Lumsden & Wilson 1981; Ruse & Wilson 1986). It would seem, therefore, that human evolution has been driven towards a middle-of-the-road position. In order to achieve “altruism,” we are altruistic! **To make us cooperate** for our biological ends, **evolution has filled us** full **of thoughts about right and wrong, the need to help our fellows**, and so forth. **We are** obviously **not totally selfless.** Indeed, thanks to the struggle for reproduction, our normal disposi- tion is to look after ourselves. **However,** it is in our biological interests to cooperate. Thus **we have evolved innate** mental **dispositions** (what the sociobiologists Charles Lumsden and Edward 0. Wilson call “epigene- tic rules”) **inclining us to cooperate, in the name of** this thing which we call **morality** (Lumsden & Wilson 1981). We have no choice about the morality of which we are aware. But, unlike the ants, we can certainly choose whether or not to obey the dictates of our conscience. We are not blindly locked into our courses of action like robots. We are inclined to behave morally but not predestined to such a policy. This, then, is the modern (Darwinian) biologist’s case for the evolu- tion of morality. Our moral sense, our altruistic nature, is an adaptation-a feature helping us in the struggle for existence and reproduction-no less than hands and eyes, teeth and feet. It is a cost-effective way of getting us to cooperate, which avoids both the pitfalls of blind action and the expense of a superbrain of pure ration- ality.

9. Extinction turns the case. It’s not evolutionarily advantageous.

10. TURN – Natural selection favors rehab over retribution. **Petersen et al. 12**[[87]](#footnote-87)

Today, there is little chance that an individual’s personal welfare will be affected by whether the state punishes or rehabilitates a specific criminal or even fails to react at all. Nevertheless, our intuitions seem to reflect a strategic social calculus that operates as if crimes occurred in an intimate social setting where we ourselves required punitive protection or could harvest the social value of a repaired relationship. This calculus, we have argued, mirrors the adaptive problems posed by the detection of exploiters **in the** small-scale, **interdependent** social **environments of our hunter/gatherer ancestors**. In a world without modern technology or welfare systems, **social support** from resourceful others **was a significant survival factor, and natural selection** has **favored** designs that trigger **reparative over punitive strategies in response to** exploitive acts by **associates who** are, or **might become, valuable to us.** These selection pressures have left their imprint on the human mind, causing modern individuals to reason flexibly about the sanctioning process, as if it occurred in a small-scale setting. Deontological notions of justice are not sufficient to account for these lay intuitions about criminal justice: Our results show that **preferences for rehab**ilitation over punishment **are regulated by our perceptions of the criminal’s** future behavior—his or her **value as a future associate**—**independent of** our judgments about the **seriousness of the crime** that was committed. By implication, disagreement on the appropriate sanction against a criminal will often occur within a community. The same transgressor may have elicited a different association value in the mind of each member of the community: the transgressor might be of the same ethnicity as me, but an out-group member to you; a kinsman of mine, but not of yours; a cooperative partner of mine, but a competitor of yours; a long-standing ally of mine, but an enemy of yours. Given that each individual’s intuitions about criminal justice are a function of the distinct association value that he or she computed for the transgressor in question, disagreement within and across communities on the appropriate sanction is the direct implication of—rather than evidence against— the role of evolved sentiments in criminal justice intuitions.

11. TURN – Rehab is key to evolution. Retribution is expels criminals from society meaning they can’t reproduce.

## AT Hegel NC

1. Consistency with abstract right is insufficient to negate. Neg needs to win a positive justification for retribution. This requires util. **Wood 90**[[88]](#footnote-88)

Hegel's theory suffers from a second serious limitation, regarded as a defense of retributivism. We might ask two different questions about the justification of punishment. First, we might ask by what right the state punishes the criminal. This is the question on which a retributivist theory of punishment tends to focus. Second, we might ask for a positive reason why the state should actually inflict punishment. That is, granting that punishment does no injustice, we might still ask if there is any good reason for the state to punish. Hegel's theory answers the first question by showing how criminals have renounced or forfeited the rights they violate. Hegel appears to want to answer the second question in the same way, by appeal[s]ing to the idea that punishment is the criminal's right, the fulfillment of the criminal's rational will. But it is not clear that the second question can be satisfactorily answered in this way. If I renounce my right to something, then it follows that you are not obligated or required to give it to me; if you choose not to give it to me, you cite my renunciation in support of the claim that your refusal to give it to me is in accordance with my will. But it does not follow from this that you must not give it to me, or that you are doing anything wrong if you go ahead and give it to me anyway. If I have contracted to shovel your walk in the winter, then you have the right to that service, and I have an obligation to perform it. But our contractual arrangement gives you no positive reason to insist that I perform the service for you; and you do no wrong if you choose not to exact the service. **If criminals will their** own **punishment**, as Hegel's theory says, then it follows that **the state violates no right of theirs** by punishing them; they are punished in accordance with their own rational will. **It does not follow**, however, **that the state has** acquired any **positive reason to punish** them. In particular, it does not follow that the state in any sense fails to honor a criminal's rational will if it chooses not to punish the criminal. Perhaps Hegel's thought is that since criminals will the actual violation of the other's right, they are committed to willing the actual violation of their own right. That thought is mistaken, or at least without foundation in Hegel's theory. Criminals do not typically desire the violation of the other's right for its own sake; often they regard it only as a regrettable means to their end. Even where criminals do desire the violation of right for its own sake, it is not clear that Hegel's theory of abstract right entitles us to say that the criminal act [this doesn’t] commits the criminal to positively willing that anyone else's rights should be violated. **Abstract right**, according to Hegel, **deals entirely with permissions.** It grounds positive actions only when they can be interpreted as cases of standing aside and allowing persons to exercise freedom within their proper external sphere (PR § 38). It seems inconsistent with the spirit of Hegel's theory to suppose that the criminal act has the effect of going beytfnd the granting of a permission. **Hegel's** own language reflects this, when he **describes the criminal as "consenting" to punishment**, as having declared that "it is right to violate freedom" **and that it is "allowed" to violate the right he is violating** (VPR17: 70). **To say that I consent to** or allow **something is to** say that I **permit it, but not** that I **positively demand** it. Occasionally, it is true, criminals do positively desire to be punished, and' do not feel properly reconciled with themselves until they have undergone punishment. Hegel, like Dostoyevsky, might find such sentiments appropriate and want to encourage them. There is nothing in Hegel's theory, however, that explains the desire of wrongdoers to be punished or lends any support to it. **If criminals want to be punished, that might provide the state with a reason for punishing** them; **but it would be a consequentialist, not a retributivist reason.**

2. We’re not free. Desire is inevitable. You dislike pain whether you choose to or not.

3. Hegel’s conception of punishment presupposes the utilitarian obligations of the State. **Wood 90**[[89]](#footnote-89)

We run into some problems if we try to use this theme in interpreting Hegel's theory of punishment. One is that it is not clear how such an interpretation will save the retributivist intent of the theory. The righting of wrong and the doing of justice, of course, do look like paradigmatically retributivist reasons for punishing. But **the state's intention to reassert the validity of right in the face of wrong looks like** an **intention** not to do justice as such, but **to promote a good end, namely** the **public recognition of the validity of right.** If there is room for doubt about this, that is largely because the precise nature of the end is rather mysterious. **Why is it important for the state to assert the validity of right, to express** its **disapproval of crime? Is there any reason** for it to do this **apart from** its devotion to such **consequentialist ends** as preventing future crimes and reassuring people that their rights are being protected**?** A deeper problem with **Hegel's theory** on this interpretation is that it seems to **presuppose[s] a justification of punishment rather than** to **supply one.** Whatever the state's reasons for expressing its disapproval of crime, it still remains to be shown why the state is justified in making such assertions in the way punishment does, at the expense of the person punished.

4. Freedom is a mere means. Happiness is the end. **Kymlicka 90** writes[[90]](#footnote-90)

Firstly, as Taylor notes, telling people to act freely does not tell them what particular actions are worth doing. But even if it provided determinate guidance, it still presents a false view of our motivations. If I am writing a book, for example, my motivation is not to be free, but to say something that is worth saying. Indeed, if I did not really want to say anything, except in so far as it is a way of being free, then my writing would not be fulfilling. What and how I write would become the result of arbitrary and ultimately unsatisfying choices. If writing is to be intrinsically valuable, I have to care about what I am saying, I have to believe that writing is worth doing for its own sake. **If we are to understand the value people see in their projects, we have to look to the ends** which are **internal to them. I do not pursue** my **writing for the sake of** my **freedom. On the contrary, I pursue** my **writing** for its own sake, **because there are things** which are **worth saying. Freedom is valuable because it allows me to say them.**

5. Extinction still comes first. It’s the only impact that causes literally 0 freedom.

6. We don’t choose who we are. Biology does. We’re predetermined. **Strawson 93**[[91]](#footnote-91)

This may seem contrived, but essentially the same argument can be given in a more natural form. (1) It is undeniable that **one is the way one is, initially, as a result of heredity and early experience,** and it is undeniable that **these are things for which one cannot be held** to be in any way **responsible** (morally or otherwise). (2) **One cannot** at any **later [in]** stage of **life** hope to **accede to true moral responsibility** for the way one is by trying to change the way one already is as a result of heredity and previous experience. Fo6r (3) **[because] both the** particular **way in which one is moved** to try **to change** oneself, **and the degree of** one's **success** in one's attempt at change, **will be determined by how one already is** as a result of heredity and previous experience. And (4) any further changes that one can bring about only after one has brought about certain initial changes will in turn be determined, via the initial changes, by heredity and previous experience. (5) This may not be the whole story, for it may be that some changes in the way one is are traceable not to heredity and experience but to the influence of indeterministic or random factors. But it is absurd to suppose that indeterministic or random factors, for which one is ex hypothesi in no way responsible, can in themselves contribute in any way to one's being truly morally responsible for how one is. The claim, then, is not that people cannot change the way they are. They can, in certain respects (which tend to be exaggerated by North Americans and underestimated, perhaps, by Europeans). The claim is only that people cannot be supposed to change themselves in such a way as to be or become truly or ultimately morally responsible for the way they are, and hence for their actions.

Determinism means util. **Greene and Cohen 04**[[92]](#footnote-92)

The net effect of this influx of scientific information will be a rejection of free will as it is ordinarily conceived, with important ramifications for the law. As noted above, our criminal justice system is largely retributivist. We argue that retributivism, despite its unstable marriage to compatibilist philosophy in the letter of the law, ultimately depends on an intuitive, libertarian notion of free will that is undermined by science. Therefore, **with the rejection of** common-sense conceptions of **free will comes the rejection of retributivism and an ensuing shift towards** a **consequentialis[m]** approach to punishment, i.e. one aimed at promoting future welfare rather than meting out just deserts. **Because consequentialist approaches to punishment remain viable in the absence of common-sense free will, we need not give up on moral and legal responsibility.**

7. Consistency with abstract right doesn’t justify retribution. **Wood 90**[[93]](#footnote-93)

David Cooper attempts to fill these gaps by attributing to Hegel the following "conceptual thesis": CT: It is a conceptual truth that the violation of a person's right calls forth punishment as its proper response. I do not actually have rights, Cooper argues, unless society is prepared to punish the violation of my rights; hence "the justification of punishment is the same as the justification of the rights the crimes violate."7 He thinks the criminal act involves the assertion that the victim of the crime has no rights. This assertion is "null" in the sense that it is false, since the victim does have rights, and this gets manifested when the criminal is punished.8 On Cooper's interpretation, Hegel's justification of punishment turns on CT. Unfortunately, we look in vain for any explicit statements of CT in Hegel's writings. Even worse, on its own CT is far from compelling. **It may be true** (even tautologous) **that the existence of** (socially guaranteed) **rights requires that society be prepared to protect them** in some way**.** **But** why must this protection take the specific form of punishing their violation? **Suppose there were a society in which the authorities** have **devised fairly effective ways of protecting** (what we would otherwise call) people's **rights, but without** the use of **punishment** - as by making it difficult to violate rights, or by educating people so that violations of right will not be common. Suppose that despite these precautions people's rights are sometimes violated in this society (though less often, let us say, than people's rights are violated in our society); still, their violation is never punished. Cooper must claim, purely on conceptual grounds, that the people in that society have no rights at all, that if we speak of rights in that society, we must be using some new or odd concept of right. I find such claims extremely dubious. Even if CT were correct, however, that would not provide any justification for the practice of punishment. It would instead place the burden of argument on substantiating the claim that people have (or ought to have) rights (in the sense in which people's having rights requires that the violation of their rights will be punished). To make good that claim, we would have to justify the institution of punishment - from scratch. **It is one thing to say that people are entitled to** freedom of speech or proprietorship over parts of the £arth, even that they are entitled to having their freedom or **property protected by the state. It is another thing to say that they are entitled to have these things protected in a certain way, by the state's inflicting evil on those who interfere with** freedom or **property.** If Cooper's interpretation is correct, Hegel's theory of abstract right ought to concentrate on defending this last claim.

8. Only util reconciles our own freedom with the freedom of others. That’s **Rakowski**.

9. Social conditions that lead to poverty mean their justification of retribution fails.

**Wood 90**[[94]](#footnote-94)

First, Hegel's theory has one important assumption that may seriously limit its capacity to justify the institution of legal punishment as it actually exists. **Hegel** usually **takes for granted that those** who are to be **punished do** in fact **regard themselves as persons with abstract rights, and** also **recognize their victims as** persons **equal to themselves.** Without that assumption, it cannot be inferred that my criminal act lays down a universal law that I may be treated as I treat my victim. Occasionally, **however,** Hegel observes that **social conditions** in modern civil society **tend to produce a whole class of people** (**[or] the poor** or "the rabble") **who** have neither rights nor duties, and **tend to be altogether lacking in a sense of right** (PR § 244; see Chapter 14, §§ 9-10). If there are people who fail to share the conception of themselves as persons, as part of a system of mutual recognition, then **we cannot attribute to their actions a universal law founded on** a **universal self-consciousness that recognizes everyone as a person.** Hegel's theory provides no guidance on the treatment of such people when they violate the rights of others. Hegel is troubled by the existence of an underclass that is effectively excluded from the ethical life of modern civil society. The inability of his theory of punishment to deal with such people is one good reason, among others, why he should be troubled.

10. The actor is the state, not the individual. The state’s not free. It has a constitutive purpose. It was created to maximize societal welfare.

## AT 2nd Personal Shenanigans

There’s no authors in the NC framework because you couldn’t pay a real philosopher to make this up. A few problems:

1. Parfit precludes. 2nd personal focus makes no sense without persons to focus on.

2. Total misinterpretation of Scanlon. This justifies giving reasons that no one could reasonably reject, not giving reasons in a 2nd-personal fashion.

3. 3rd personal focus is key to evaluate all relevant impacts. Neg framework excludes impacts to the 1st person.

4. TURN – 3rd personal focus is key to make actions justifiable to everyone. It’s the only universalizable form of argumentation.

5. TURN – 3rd personal focus is uniquely consistent with the nature of the state because it has to provide for the general welfare – that’s in the constitution.

6. Fallacy of origin. Just because I’m arguing doesn’t mean I think arguments have intrinsic value.

7. 2nd person devolves to 3rd person because considering all 2nd person relations means aggregating them to create an objective 3rd person reason.

8. 2nd personal focus fails for states because reasons that apply first personally to states don’t apply 2nd personally to individuals.

Contention

1. Devolves to util. Util’s the only second-personal justification that everyone could agree to. That’s my first framework warrant.

2. TURN – Pell Grants respect 2nd personhood by giving the criminal the choice to go to college or not.

3. TURN – retrib violates second personhood because it relies on predetermined sentencing guidelines.

4. Missing internal link. Just because the nature of morality is second personal doesn’t mean we should maximize respect for 2nd personhood.

5. Extinction precludes. There’s no 2nd person if we’re all dead.

6. The 2nd person likes happiness, so AC turns the NC.

## AT Sentimentalism NC

1. No link to the Plan. Pell Grants don’t affect sentencing.

2. TURN – Rehab is key to sympathy. **Clark 3**[[95]](#footnote-95)

But Moore recognizes that retributive emotions often compete against other responses when we think about criminal offenders. We may find, for instance, that when we consider the tough circumstances of some criminals, we are moved to sympathy, a **sympathy** that **might offset** to some extent the desire to impose suffering on the offender. Why shouldn’t sympathy mitigate the degree of **retribution** sought? Doesn’t it too reflect some sort of moral reality? If so, **might it not suggest** other responses to crime, such as **rehab**ilitation, restitution, and addressing the multiple criminogenic factors revealed by behavioral science**?** To secure retribution’s pride of place, Moore adduces two considerations against this line of argument. First, it is only virtuous emotions, he says, which we should generally rely upon as heuristic guides to moral reality: "…in ethics we should recognize that the virtue of (or vice) of an emotion may often, but not always, be taken as an indication of the truth (or falsity) of the judgment to which it leads" (137). Second, in developing an overall theory of justice, he explicitly adopts a "coherentist" approach, in which the theory seeks maximum overall consistency among our intuitions and judgments. (This approach differs, for instance, from a foundationalist approach in which certain first principles have privileged status and form the basis from which the rest of the theory is derived.) Combining these two desiderata, the way we decide which of our conflicting moral intuitions should be kept and which should be discarded to achieve coherence, is to see which are based in virtuous emotions. Virtue works as a guide to coherence. Unsurprisingly, Moore argues the case that retributive emotions, at least some of them, are virtuous, while the sympathy we feel for certain offenders is not. Thus we can safely discard our errant sympathies, what Moore calls "moral hallucinations" (132) since they distort our view of moral reality, and hew to the retributive imperative. But whether we agree with Moore about all this hinges on whether 1) we agree with Moore’s claims about the virtue and theoretical probity of retributive versus sympathetic emotions, and 2) whether we agree that maximum coherence should be the driving feature of a true theory of justice. I shall contest both these claims. Moore, very much to his credit, bends over backwards to present the strongest case against the virtue of retributive emotions, which he then tries to rebut in the chapter entitled "The Moral Worth of Retribution". He candidly admits that retribution is often motivated by what Nietzsche described with the word ressentiment. Moore defines ressentiment as "a witches’ brew: resentment, fear, anger, cowardice, hostility, aggression, cruelty, sadism, envy, jealousy, guilt, self-loathing, hypocrisy and self-deception" (120). Moore says "It may well be that insofar as the retributive urge is based on such emotions as these…the urge is bad for us" (125). But, he points out, there are also virtuous emotions which ground retribution, namely the "moral outrage" that often is inspired by witnessing or contemplating flagrant acts of wrongdoing that cause suffering, and the often appropriate sense of guilt when we ourselves do something wrong. In both cases, we might feel that retributive punishment is fairly imposed on the offender, that it is deserved, whether the offender be someone else or ourselves. Not to feel these emotions, Moore says, is to be morally defective, and the virtue of such feelings is evidence for the truth of retributivism, since virtuous feelings come with "good epistemic credentials" (147). As Moore says about guilt: "Our feelings about guilt thus generate a judgment that we deserve the suffering that is punishment. If the feelings of guilt are virtuous to possess, we have reason to believe that this last judgment is correct, generated as it is by emotions whose epistemic import is not in question" (148). It is this intuition of desert, generated by guilt and moral outrage, Moore says, that makes it not only permissible to punish wrongdoers, but that makes it morallyrequired to punish them, even if no other desirable outcomes follow from retribution (148, 154). So although retribution may indeed sometimes be inspired by despicable motives and emotions, for Moore that doesn’t undercut its valid basis in some virtuous moral sentiments. Assuming for the moment that Moore has indeed demonstrated the virtue and reality-revealing nature of some retributive emotions, what about sympathy, e.g., "the **sympathy we may feel for wrongdoers whose wrongdoing was caused by** factors such as **social adversity or psychological abuse during childhood**"?Moore writes: "There are three things to say about this range of moral experience. First, the moral judgment it seems to support does not fit with the much larger set of judgments about responsibility that we make in daily life. In seeking the most coherent expression of our moral judgements considered as a whole, these sympathetic judgements may simply have to be discarded. No area of human knowledge is perfectly coherent. Any systematic exposition of our sensory experience, for example, has to disregard certain visual experiences because they give us inaccurate information about the world…The same can be said of our sympathetic responses to disadvantaged criminals" (544, my emphasis). In other words, to minimize conflict in our judgments, we must disregard the sympathies generated by the adversities undergone by offenders. Such sympathies are inconsistent with our more numerous and powerful retributive inclinations, and furthermore they are "inaccurate" in some sense. On the face of it, this seems arbitrary, to say the least. Conflict between retributive feelings, even virtuous ones, and sympathetic feelings (which at least initially seem virtuous) may simply reflect a real moral conflict, and to discount one side of the conflict in order to preserve theoretical coherence might well compromise theoretical accuracy. We may well have both feelings about an offender (if not simultaneously, at least in succession), both of which reflect sets of circumstances that pertain to the case. Moore’s comparison of sympathetic feelings to inaccurate visual information assumes that our sympathy is somehow misplaced, but of course he has to prove this. Secondly, and in response to just this point, Moore goes on to say, "…just as we discount our experience with sticks looking bent when immersed in water because we can explain the experience away, so we should discount any sympathy for disadvantaged criminals if we can explain why we feel that sympathy in terms of extraneous factors." Moore suggests two such factors: "our own guilt at not having done enough to alleviate ‘unhappy’ causes of crime, or…our sense that those who became criminals because of adverse circumstances have ‘already suffered enough’" (545). But even if we discount these causes of sympathy as extraneous, surely there are others that are not. Contemplating the chaotic, punitive and often dangerous conditions that disadvantaged offenders grow up in often generates sympathetic compassion, for indeed **were any of us raised in those conditions, we** too **would be more likely [to] suffer the same criminal fate.** Putting ourselves in the disadvantaged shoes of an offender should inspire sympathy, for if it does not, then we are supposing that we would have been immune to the influences that shaped her. From a naturalistic perspective, which Moore shares, in which human beings are determined by environment (as well as heredity), such a supposition is clearly false, and the lack of sympathy it generates is a clear moral defect. Such **sympathy may not outweigh** feelings of **outrage, but it nevertheless** reflects circumstances as real as the crime committed, and so **is not a "moral hallucination"** on a par with the bent stick illusion. [2](http://www.naturalism.org/criminal.htm#Note2) Third and lastly, Moore says about sympathy that "..we have reason to discount certain experiences and the intuitions they generate when, on examination, their appearance of moral goodness proves deceptive" (545). Moore goes on to speculate that our sympathies for disadvantaged offenders might be due not to any laudable variety of compassion, but to unconscious feelings of superiority to the offender, or perhaps the elitist refusals to judge others by the standards we impose on ourselves or to acknowledge the moral dignity and autonomy of others (546). If these were the only source of our sympathy, then its moral goodness (and epistemic credentials) would be put in question, but since there is another robust source, the compassion described above, its goodness stands unchallenged. This point is the same Moore himself makes about the sources of retributive judgements: some sources are morally dubious, but since others have merit, retribution survives in his theory. So, even by Moore’s own criterion of moral virtue, sympathy passes muster, and thus it seems we might concede it a role in a theory of criminal justice and in the disposition of criminal cases. To recap: to achieve a maximally coherent theory of criminal law, Moore wants us to jettison our sympathetic responses to disadvantaged criminals. This would give retribution freer reign, no doubt simplifying the mission of criminal justice. We should discount sympathy because it is morally hallucinatory (it doesn’t accurately represent moral reality, just as a bent stick in water doesn’t accurately represent the true physical state of the stick) and because its sources are morally dubious. I think Moore is mistaken on all counts. In reverse order, it appears that sympathy can be morally good, that is, it can stem from what we acknowledge is a moral virtue, namely compassion. Second, such sympathy accurately reflects a significant aspect of moral reality, namely the punitive and distressing conditions associated with increased criminality. To ignore such conditions and the compassion they inspire is to give short shrift to an important dimension of our moral universe. Third, we cannot, on grounds of seeking coherence, simply dispense with **sympathy** as an emotional outlier when forming judgements about criminal offenses. Rather, it **justifiably competes with our retributive inclinations.** This theory isn’t as clean as Moore’s, but it does better justice, I submit, to the often ambiguous and conflicting moral reality we inhabit.

Sympathy comes first under sentimentalism. **Landow 12**[[96]](#footnote-96)

According to [Samuel Johnson](http://www.victorianweb.org/previctorian/johnson/sjov.html)'s Dictionary (1755), **sympathy is defined as** "fellow-feeling; mutual sensibility; **the quality of being affected by the** affections [**feelings**] **of another.**"More than one hundred years later, [John Ruskin,](http://www.victorianweb.org/authors/ruskin/ruskinov.html) the great Victorian critic of art and society, similarly explained that sympathy, "the imaginative understanding of the natures of others, and the power of putting ourselves in their place, is the faculty on which virtue depends" (Fors Clavigera, 1873). During the second half of the eighteenth century and throughout most of the nineteenth, sympathy, which today signifies little more than compassion or pity, was a word of almost magical significance that described a particular mixture of emotional perception and emotional communication. **Johnson and Ruskin derived** their ideas of **sympathy from** a British school of moral **philosophy that referred ethics to feelings** in a radical manner, one that eventually caused fundamental changes in politics, culture, religion, and conceptions of human nature**.** This **sentimentalist** or emotionalist school of **ethics**, which provided an important part of the foundations of both [Romanticism](http://www.victorianweb.org/previctorian/misc/romanticov.html) and the [French Revolution](http://www.victorianweb.org/history/hist7.html), developed in response to the English [empiricists](http://www.victorianweb.org/philosophy/phil3.html) Thomas Hobbes and [John Locke](http://www.victorianweb.org/philosophy/locke1.html). 1. Locke claimed that we have no innate ideas of good and evil. 2. In an attempt to find another basis for arguments that men and women were moral beings, Thomas Burnett and Anthony Cooper, [Lord Shaftesbury](http://www.victorianweb.org/history/shaftesb.html), founders of this new school of moral philosophy, replaced innate ideas with emotional reactions, thought with emotion. Extending Locke's own notion that the mind has an innate power or principle that perceives differences in color, Burnett suggested that a similar power perceives differences in moral value. Shaftesbury, the more influential of the two, then argued that we have an internal moral sense much like the senses of sight, hearing, and taste. 3. The Scottish school of emotionalist moral philosophers -- [Adam Smith](http://www.victorianweb.org/economics/smith.html) (better known now for his economics), Dugald Stewart, and Thomas Reid -- **identified****the moral sense with the imagination, whose job it is to make us feel the effects upon others of our actions.** In other words, the **sympathetic imagination**, as it was called, **provides the psychological** mechanism of the **Golden Rule**: we do not steal from others because our imagination projects us into their vantage point (into their minds), and we thus experience how it would feel

3. Sentimentalism devolves to util because only util considers everyone’s emotions.

4. TURN – Rehab is more consistent with our emotions than retribution. Studies prove. **Petersen et al. 12**[[97]](#footnote-97)

6.2. Results Does perceived association value predict preferences for reparative over punitive sanctions? Yes. As shown in the bottom right of Fig. 4, the perceived association value influences the choice between a reparative over a punitive strategy (odds ratio=11.81, p=.03, one-tailed). The odds ratio of 11.81 implies that a change in the **perceived association value** of the criminal from the variable's minimum value (0) to its maximum value (1) **makes it 11**.81 **times more likely that the subject will choose a reparative rather [than] punitive sanction.** This finding replicates the relationship between association value and reparative preferences found in Study 1 while measuring association value as expectations of becoming a productive member of society rather than expectations of committing crimes in the future. Furthermore, as shown in Fig. 4, **crime seriousness did not have a significant effect** (odds ratio=0.25, p=0.49). 2 In the online supplemental materials, it is demonstrated that the recidivism and productivity measures are highly correlated (and likely track the same underlying psychological variable) and the effects reported here are replicated using a scale combining the two measures. -.15\* 11.81\* (odds ratio) .48\*\*\* -.08 Intensity of sanction Preference for reparative over punitive sanctions Criminal’s association value Crime seriousness Criminal shows remorse, lacks criminal record and has a job -.04 .13\*\* .25 (odds ratio) 1.29 (odds ratio) Fig. 4. Study 2 (battery): perceived seriousness of crime and perceived association value of the criminal as mediators of cues to association value. Unstandardized regression coefficients (b) and odds ratios calculated using binary logistic regression. All variables are coded between 0 and 1. M.B. Petersen et al. / Evolution and Human Behavior xx (2012) xxx–xxx 11**Do cues of remorse**, lack of criminal record, and employment **contribute** more strongly **to perceptions of association value** than to perceptions of the seriousness of his crime**? Yes.** As shown in the left side of Fig. 4, variation in information about the criminal had a significant effect on perceptions of his association value (b= 0.13, p=.005, one-tailed), but no effect on how serious his crime was seen to be (r=−0.04, p=.25, one-tailed). The effect of the cues on perceived association value was three times greater than their effect on the perceptions of the crime's seriousness. To test whether these cues affect the preference for a reparative over a punitive sanction indirectly, through their effects on perceptions of the criminal's association value, we performed a formal mediation test suited for binary dependent variables (Stata FAQ 2012). We find that perceived association value does significantly and fully mediate the effect of the experimentally varied cues on sanctioning preference.3 Does the perceived seriousness of the crime predict the preferred intensity of the sanction? Yes. As shown in the top left of Fig. 4, the preferred intensity of sanction was predicted by both the perceived seriousness of the crime (r= 0.48, pb.001, one-tailed) and perceptions of the criminal's association value (r=−0.15, p=.03, one-tailed), but the effect size for seriousness was more than three times larger than for association value. These results provide strong further support for the recalibrational theory counterexploitation. We were able to replicate the core findings from Study 1 in a different country using a benefit-oriented measure of association value—one that does not tap expectations about future criminal activities— and a more demanding measure of reparative preferences. 7. Discussion Extending extant research on lay intuitions about criminal justice, we have demonstrated that individuals spontaneously compute an index of the criminal's association value and that this value regulates the motivation to repair the criminal or punish him. **Across a range of** different **types of crime and** across two highly different countries (**the U**nited **S**tates **and Denmark**)**, subjects' preferences for rehab**ilitation **over punishment were regulated by** their **perceptions of the criminal, independently of** their perceptions of **the crime.** The seriousness of the crime, as judged by the subjects, did not regulate their preferences for repair over punishment for violent crimes. **The effect of seriousness** on reparative sentiments **was significant only for** the vignette describing a nonviolent crime, **vandalism; even so, its effect size was only half that for** the criminal's **association value.** The seriousness of the crime, in contrast, regulated the intensity of preferred sanctions far more than perceptions of the criminal did. A person's association value is an estimate of how likely that person is to exploit (or confer benefits) on you and those you care about in the future. We experimentally manipulated several ancestrally valid cues to association value: the offender's criminal history, the offender's status as an ingroup or out-group member, and the offender's expression of remorse. The results confirmed that these cues have a major effect on the computation of a criminal's association value but little or no effect on computations of the crime's seriousness. As previous studies have shown, the seriousness of the crime seems instead to be computed primarily on the basis of the costs the crime imposes on others (see online supplemental materials, available on the journal's website at www.ehbonline.org). These results support the hypothesis that the mind's design for deciding how to respond to criminals (exploiters) has two distinct information processing channels, which use two distinct sets of cues to compute two different decision variables: the criminal's association value and the seriousness of the crime. In sum, these results show that **while a crime's** indexed **seriousness regulates how much to react,** the criminal's indexed **association value regulates the more fundamental decision of** how to react (i.e., **whether we want to punish or rehab**ilitate)**.**

5. Sentimentalism devolves to util because the actor is the government, so its emotions are the aggregation of everyone in society.

6. TURN – A majority of Americans value rehab over retribution. If retributive emotions were innate, they would be expressed by people’s opinions on the CJS.

**Krisberg and Marcionna 6**[[98]](#footnote-98)

Of those polled, 74% are somewhat or very concerned about the problem of crime in their communities, and 79% are concerned or fearful about the annual release of 700,000 prisoners. **By** almost an 8 to 1 margin (**87**% **to 11%**)**, the** US voting **public is in favor of rehab**ilitative services for prisoners **as opposed to** a **punishment-only** system. Of those polled, **70% favored services** both **during incarceration** and after release from prison. Only 14% of those polled thought that people coming out of prison were less likely to commit new crimes than they were before imprisonment. Over 50% thought the likelihood was at least the same, while 31% thought that the likelihood of new crime was greater after prison than before. By strong majorities, US voters feel that a lack of life skills, the experience of being in prison, and obstacles to reentry are major factors in the rearrest of prisoners after release. Few thought that criminality  is inherent. By an overwhelming majority (82%), likely voters felt that a lack of job training was a very significant barrier to released prisoners avoiding subsequent crime. They also thought that medical care, the availability of public housing, and student loans are important (86%, 84%, and 83% respectively). By huge margins, **those polled felt that job training, drug treatment, mental health services,** family support, mentoring, **and housing** were all very important services that **should be offered to prisoners.** Less than 10% of those polled (only 2% in the case of job training) thought that these services were unimportant. Of those polled, 44% felt that planning for reentry should begin at sentencing, another 27% thought it should begin 12 months prior to release. Only 7% were not in favor of planning for reentry. When asked about pending legislation that would allocate federal dollars to prisoner reentry (The Second Chance Act), 78% were in support. Of those, almost half expressed strong support.

Prefer my evidence. It explicitly compares rehab and retribution. Greene only speaks to relative severity of punishment.

7. Sentimentalism begs the question. Must use util. **Debes 9**[[99]](#footnote-99)

On the other hand, the first question (#1 above) risks glossing over a further contentious debate in ethics, namely, what is the domain of “the moral”? That is, **what constitutes** or qualifies as a **“genuine”** moral judgment (e.g. of **moral goodness**) **versus** a judgment about the **“merely” valuable** (e.g. of non-moral goodness)? It is fairly common, for example, to claim that prudential judgments about one’s personal welfare don’t qualify as moral. But other value judgments have a more ambiguous status, e.g. judgments about beauty, wit, friendship, love, and the array of values classically connected with virtues like courage or temperance. Thus, if we are tasked with distinguishing which emotions genuinely have moral shape, e.g. because they can be described as having distinctly “moral” content, we will eventually also need to take a position with respect to the further question, **what constitutes the domain of “the moral”?** Indeed, **for those who wish to draw** an especially tight **connection between value and sentiment,** as historical or “neo” sentimentalists do, **this** further question **is** especially **pressing.** For, if left unanswered, she is open to the charge of “flattening” the terrain of value. The flattening objection is (roughly) the charge that one has illegitimately amalgamated the domain of “the moral” to all other value, i.e. to the “merely” valuable. These two domains, a detractor can argue, are intuitively distinct – perhaps even, as the Kantian deontologist would say, rationally distinct (see DEONTOLOGY). Thus, at issue here is not simply the potential failure to identify which emotions like guilt or resentment are distinctly, descriptively, “moral”. Instead, the flattening objection is a challenge to the foundational ambitions of certain metaethical views like **sentimentalism**, which seek to make sentiment the basis of morality (see also De Sousa 2006). At a minimum, the flattening objection is a response to the way such viewsimplicitly or **explicitly seek[s] to vindicate the** equal **ethical import of certain values that are not** (or not obviously) **distinctly moral**, e.g. values like “the enviable,” “the joyful,” “the amusing,” and so on (see also Schroeter 2006). Whatever its spur, however, the flattening objection looms over any theory of moral sentiments that fails to distinguish the domain of “the moral.”

8. Buzzini 9 proves that Pell Grants solve crime which turns the case. If we have retributive emotions, this devolves to util and justifies minimizing crime independent of util. **Clark 3**[[100]](#footnote-100)

Moore’s naturalism has not led him to such a conclusion, even though he, like myself, concedes that science will eventually fill in all the gaps in our understanding of mind, brain, and behavior, thus revealing the causal story behind each and every offender. For Moore, knowing that criminality is indeed generated by circumstances well beyond the control of the criminal, that in fact whole populations are doomed to much higher rates of criminality due to environmental factors, does nothing and should do nothing to mitigate our retributive inclinations, or to shift the aims of criminal law from the punitive to the ameliorative. I suspect, but cannot prove, that this is because he hasn’t taken his naturalism far enough to see the natural function of retribution itself. As discussed above, Moore’s **criteria for moral agents – rationality and lack of coercion** or duress **–** are **just** those which **pick out individuals for whom retribution might** efficiently function as a **deter**rent**.** But Moore’s **insistence on** the **intrinsic good of retribution, based on our desire for it,** must suppress this connection, since after all to admit that retribution serves a function, however imperfectly, **means that the goal** it aims at **–** the **socially advantageous** shaping of **behavior – is itself** a **good.** And if that good has a claim on us, as it surely does, then it forces us to consider whether retribution is the best means to that end. Also, it might well be the case (I believe it is the case) that seeking to impose just deserts as a supposed end-in-itself substantially conflicts with achieving a society which minimizes unnecessary suffering and maximizes human flourishing. Forgoing our pound of flesh in favor of non-punitive detention, re-education, and social reforms such as education, community development, and economic empowerment, is the best route to good behavior. If one divorces, as does Moore, the desire for **retribution** from any socially desirable function or outcome, how does one justify acting on it? It **can’t be just because we desire it.** After all, **there are many desires we** might **have**, some of **which may** well **produce suffering in others, that we can’t justify acting on.** Moore makes vivid the motivational basis for retributive justice, and shows that at least some of the emotions underlying it have virtue, such as our outrage at the unnecessary suffering of victims. But **what makes** this **outrage moral**ly virtuous (when it doesn’t slide into vindictive pleasure at the suffering of the offender) **is** precisely **that it seeks a good consequence,** namely the ending and prevention of victims’ suffering. To make the case that retribution is an intrinsic moral good, it seems Moore must connect it to something more than the bare desire that an offender suffer in turn. But any step outside that desire, or any demonstration of its virtue, must involve some sort of consequence, some outcome, some good that the imposition of the offender’s suffering brings about. Some obvious consequences of retribution one could cite are, of course, **that offenders are** incapacitated, **deterred** (perhaps), and reformed (rarely). But since Moore explicitly disavows these as playing a role in his account of the law - he says they are just the "bad reasons for what we believe on instinct anyway" - it seems that the intrinsic moral worth of retribution can only be a matter of instinct, of desire. But why should we agree that something is a moral good if its only justification is to satisfy a desire that someone should suffer? There has to be more to it, but what that is goes unsaid in Placing Blame, as far as I can see.

9. Even if morality is emotional, we can’t escape our emotional perspective, and from that perspective happiness is good.

10. Extinction comes first; it precludes all emotions.

11. Gut check aff if you think rehab is good; under her framework, your emotions can’t be wrong.

## AT Subjectivism NC

## AT Subjecitivism NC

1. Even if morality is subjective, extinction is key to all moral theories. It’s the precondition of value – that’s Seeley.

2. Subjectivism means minimize existential risk. It’s the only way to account for moral uncertainty – that’s Bostrom.

3. TURN – Pell Grants are key to subjectivity because they give prisoners the choice of education.

4. Happiness is objectively good. It’s the ultimate value. That’s Harris 10.

5. No link to the plan. Pell Grants don’t inhibit state power.

6. TURN – Crime and destruction of Naval power both undermine the state.

7. Morality is truth apt. Sinnot-Armstrong[[101]](#footnote-101)

Another common response is that sometimes a **moral truth is necessary for the best explanation of a non-moral fact. Hitler's vices are sometimes cited to explain his atrocities. Slavery's injustice has been said to explain its demise.** And the fact that everyone agrees that it is morally wrong to torture babies just to get sexual pleasure might be best explained by the fact that this common belief is true.

8. Science shows moral realism is true and justifies util. **Harris 10** writes[[102]](#footnote-102)

I believe that **we will increasingly understand** good and evil, **right and wrong**, **in scientific terms**, **because moral concerns translate into facts about** how our thoughts and behaviors affect **the well-being of conscious creatures like ourselves. If there are facts** to be known **about the well-being of such creatures**—and there are—**then there must be right and wrong answers to moral questions.** Students of philosophy will notice that **this commits me to** some form of **moral realism** (viz. moral claims can really be true or false) **and** some form of **consequentialism** (viz. the rightness of an act depends on how it impacts the well-being of conscious creatures). While moral realism and consequentialism have both come under pressure in philosophical circles, they have the virtue of corresponding to many of our intuitions about how the world works. Here is my (consequentialist) starting point: all questions of value (right and wrong, good and evil, etc.) depend upon the possibility of experiencing such value. Without potential consequences at the level of experience—happiness, suffering, joy, despair, etc. —all talk of value is empty. Therefore, to say that an act is morally necessary, or evil, or blameless, is to make (tacit) claims about its consequences in the lives of conscious creatures (whether actual or potential).I am unaware of any interesting exception to this rule. Needless to say, if one is worried about pleasing God or His angels, this assumes that such invisible entities are conscious (in some sense) and cognizant of human behavior. It also generally assumes that it is possible to suffer their wrath or enjoy their approval, either in this world or the world to come. Even within religion, therefore, consequences and conscious states remain the foundation of all values.

9. The only subjective morality the state can look to is util. That’s Goodin.

10. Happiness is objectively good. **Sayre McCord** writes[[103]](#footnote-103)

According to the second argument, the evaluative starting point is again each person thinking "my own happiness is valuable," but this fact about each person is taken as evidence, with respect to each bit of happiness that is valued, that that bit is valuable. **Each person** is seen as **ha[s]**ving **reason to think that the happiness she enjoys is valuable, and** reason to think of others -- given that they are in a parallel situation with respect to the happiness they enjoy -- that each person's happiness is such **that there is the same evidence** available to each **for the value of the happiness that another person enjoys** as there is for the value of one's own happiness. **If** happiness is such that **every piece of** it **[happiness] is desired by someone, then** it seems as if, **in** taking ourselves to have reason to **see[ing] the bit we value as valuable, we are committed to acknowledging the value of all the rest.**

11. Perceiving happiness as objective is epistemologically inescapable. We can’t help but feel that pleasure is good and pain is bad.

12. Util is axiomatic. **Harris 10** writes[[104]](#footnote-104)

So, while it is possible to say that one can't move from "is" to "ought," we should be honest about how we get to "is" in the first place. **Scientific "is" statements rest on implicit "oughts" all the way down.** When I say, "Water is two parts hydrogen and one part oxygen," I have uttered a quintessential statement of scientific fact. But what if someone doubts this statement? **I can appeal to data** from chemistry, describing the outcome of simple experiments. **But in so doing, I implicitly appeal to the values of empiricism and logic. What if my interlocutor doesn't share these values?** What can I say then? What evidence could prove that we should value evidence? What logic could demonstrate the importance of logic? As it turns out, **these are the wrong questions.** The right question is, **why should we care what such a person thinks in the first place? So it is with the linkage between morality and well-being: To say that morality is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that the **well-being** of conscious creatures **is good, is exactly like saying that science is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that a **rational understanding** of the universe **is good.** We need not enter either of these philosophical cul-de-sacs.

13. Vote aff because I subjectively think I’m right.

## AT Quran NC

Short Version [Other versions in Scarsdale Team specifics]

1. No link to the aff. Pell Grants doesn’t interfere with proportional punishment.

2. Religion devolves to util. Its normative force is premised on happiness – that’s Harris 10.

3. Jesus devolves to util. He’s an Islamic prophet. **Mill 63** writes[[105]](#footnote-105)

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. **In the golden rule of Jesus** of Nazareth, **we read** the complete spirit of the ethics of **util**ity. **To** do as you would be done by, and to **love your neighbour as yourself, constitute[s]** the ideal perfection of **util**itarian morality. As the means of making the nearest approach to this ideal, **util**ity **would enjoin**, first, **that laws** and social arrangements **should place the happiness**, or (as speaking practically it may be called) the interest, **of every individual**, **as nearly as possible in harmony with the interest of the whole**; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the 20/John Stuart Mill universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being’s sentient existence. If the, impugners of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

4. Pell Grants are key to literacy rates which allow people to read the Quran – that’s Buzzini 9.

5. TURN – Rehab is key to fair punishment. **Rotman 86**[[106]](#footnote-106)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

6. Util links to the Quran. **Al Khatib 11** writes[[107]](#footnote-107)

This section aims to explain theory of property right in Islam, inspired by Quran. I will first discuss theory of “rights” in Quran, generally. Then, I will apply it to “property rights”. My theory is that system of “property rights” in **Islam is a** unique **combination of both** natural **rights** theory **and util**itarianism. However, there are clear distinctions between Islamic theory of property and the two aforementioned theories. i. Right in Quran a) Categorical justice and natural rights Quran believes in existence of categorical justice and natural rightness. This may be inferred from many of its verses. Here we briefly explore the terminology of the word “right” in Quran. The word “Hagh” in Quran denotes several meanings, among which is “right”: 1) Right, in contrast to duty : 2) Justice and rightness, in contrast to injustice 3) Definiteness 4) Truth, in contrast to Falsehood The fact that same word is used for all of these meanings interchangeably indicates an internal connection between them: First, justice is definite, namely, there is no change in its nature; it exists timelessly. Second, justice is independent from anyone’s will, even God’s will (see footnote No. 2, Az-Zumar, 69, stating that God will judge with justice. It does not say that God’s decision establishes the rules of justice, rather God acts according to justice.). Third, right (in comparison to duty) is also the result of inherent justice; hence existence of natural, definite and independent rights. b) Special features of “Rights theory” in Quran There are particularly two features about Quran’s system of rights which sets it apart from any other system: 1. Duty and Capacity of Understanding: Given that Quran believes in natural rights, one might infer form it the existence of natural duties. However, this is not true. In Quran existence of duty is dependent on satisfaction of two requirements: First, one’s capacity to understand the concept of right from wrong Second, one’s efforts to utilize and increase her capacity. In fact, the important condition for existence of duty is the individual’s capacity to realize justice, not his actual knowledge. One might better state that duty exists automatically when a right exists; however, it is one’s liability which is contingent on her understanding of rightness. Nevertheless, Quran treats duty as though it does not exist at all if the above-mentioned conditions are met. One’s capacity means all the opportunities a person has at stake to increase her knowledge, from her intelligence and inheritance, to her social/political/economic situation. Therefore, each individual should exert her utmost efforts to take the benefit of her capacity and to improve her understanding, otherwise, her lack of understanding is not an excuse. This is why there are many verses in Quran in which people are encouraged to think and ponder in themselves and the universe and everything that is created by God, as well as the guidance which is offered to them through revelation. Furthermore, people are required in Quran to consult with each other in order to increase their understanding. In fact, religiously speaking it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to consult about it. The most important conclusion which is derived from the aforementioned is that: Quran approves of existence of different systems of right at different times and places, as long as the existent system is the result of people’s utmost efforts to realize inherent rightness, and keeps evolving into a better system incessantly. 2. Importance of Devine Source: Quran emphasizes that people, in their efforts to utilize and develop their capacity, shall take account of the divine source. Therefore, those principles of justice which are clearly revealed in Quran must be observed by people. Below we discuss the most important principles of justice mentioned by Quran, which will directly affect our discussion about Islamic “Property” right: - **Quran strictly forbids “waste”,** be it waste of time or other resources in a meaningless and purposeless manner. - **Productivity**: this **is inherently** right and **just.** - Poverty and Distributive Justice: **Poverty is** considered as an **inherently unjust** situation **which must be** prevented, and if occurred, **rectified.** As we will be shown in the next sub-section, there are certain duties imposed by Quran on individuals, the purpose of which is to prevent or rectify poverty in the society. We will discuss these principles more in the next sub-section. However, so far, we wished to emphasize that according to Quran, humans must take account of the Revelation in their quest for the optimal system of rights. ii. System of Property Rights In Quran : We had discussed in previous sections that every system of property should answer both questions of common and private property rights. We were shown how Natural Rights Theories and Utilitarianism respond to these questions. In this section we address these questions in Quran. a) Common Property: According to Quran everything in the universe originally belongs to God. Then, God has given everything to the human beings in common to use. **According to Quran humans are** successor of **God[’s]** on earth, and his **trustee in** using and **management of the world.** A successor is a person who takes over and continues the role or position of another. A trustee is a person who holds the title of the property to the benefit of beneficiaries. That is, he is the owner of the property, but his ownership is subject to certain conditions and fiduciary duties. The beneficiaries are also humans themselves. Therefore:

7. Pell Grants are key to allow prisoners to turn away from crime and get jobs. That’s key to Islam. **Ali no date** writes[[108]](#footnote-108)

**The concept of forgiveness in the Qur'an is expressed in three terms**, (1) 'afw, (2) safhu, and (3) ghafara

'**Afw means** to pardon, **to excuse for a fault** or an offense or a discourtesy, waiver of punishment and amnesty. Examples of usage in the Qur'an are verses 42:40, 2:187 and 5:95.  
**Safhu means to turn away from** a sin or **a misdeed**, ignore, etc. Examples of usage in the Qur'an are verses 2:109, 15:85 and 43:89.  
**Ghafara** or maghfira **means** to cover, **to forgive** and to remit. Examples of usage in the Qur'an are verses 2:263, 42:37 and 43:43.

For more details see Lane's Lexicon2 and Hans Wehr's dictionary3, among others.

The God, **Allah**4 **is the ultimate power Who can forgive.** Forgiveness means closing an account of offense against God or any of His creation. However, forgiveness must meet the criteria of sincerity. God, the All-Knowing, has the knowledge of everything including whatever a person thinks but does not express in words or deeds. An offense may be against (a) a person, (b) a group of persons or society, (c) other creation of God such as animals, plants, land, atmosphere, bodies of water and the life therein, and (d) God, Allah. Muslims understand that an offense against the creation of God is an offense against God.

# Crime Frontlines

## AT Self-Selection Bias

1. Studies that control for self-selection confirm enabling inmates to receive education solves crime. **Karpowitz and Kenner 2k**[[109]](#footnote-109)

In its Executive Summary, the Texas Department of Criminal Justice also noted **studies in Maryland, Ohio, Indiana, Alabama, Wisconsin and New York** that **show**ed a "**clear and** fairly **consistent correlation**" **between** completion of **collegiate studies and reduction in recidivism.** Over the years, increasingly **sophisticated statistical tools have** been used to **control[led] for** prior educational level, age, commitment offence, post-release employment and **self-selection**: factors that might dilute the finding that education slashes rates of recidivism. **The results remain** utterly **compelling.**

2. Prefer my evidence. There may be a risk of self-selection, but he isn’t reading competing empirics specific to the Plan.

## AT Commit Crimes For Education

1. Most criminals are poor pre-incarceration. They don’t need to commit crime to qualify. **Buzzini 9**[[110]](#footnote-110)

There are other dissenters of federally funded PSCE that feel prisoners simply don’t have a real financial need for the funds. However, the Director of Prison Education at Walla Walla Community College in Washington says, “It’s unrealistic to make prisoners pay for college because prisoners only earn $50 a month” (Freedman 6). And on the outside, most inmates weren’t raking in the dough, either. A 1986 survey shows that **60 percent of prisoners did not earn more than $10,000** in the year **preceding** their **imprisonment** (Taylor “Pell Grants”). **Incarcerated or not, most inmates would have received Pell Grants.**

2. Plan’s key to long-term decrease in recidivism which outweighs a short term increase in crime. That’s Buzzini 9.

## AT Martinson

Martinson is wrong and outdated. **Cullen and Gendreau 2k** write[[111]](#footnote-111)

**In the subsequent quarter century, a growing** revisionist **movement** has **questioned Martinson**’s portrayal of the empirical status of the effectiveness of treatment interventions. **Through painstaking** literature **reviews, these** revisionist **scholars** have **show**n that **many** correctional **treatment programs are effective** in decreasing recidivism. **More recently, they have undertaken more sophisticated quantitative syntheses of an increasing body of evaluation studies through** a technique called **“meta-analysis.”** These meta-analyses reveal that across evaluation studies, the recidivism rate is, on average, 10 percentage points lower for the treatment group than for the control group. However, this research has also suggested that some correctional interventions have no effect on offender criminality (e.g., punishment-oriented programs), while others achieve substantial reductions in recidivism (i.e., approximately 25 percent).

Martinson would vote aff. People misread his study so badly that he killed himself over it. **Elliott and Aos 10** writes[[112]](#footnote-112)

**Martinson** cannot give his side of the story. In 1980, he **jumped to his death** from his Manhattan apartment. We can only presume **his suicide was intended.** The rest of **his life was littered with** a series of **unintended consequences. Martinson** was a sociologist but he **knew** from **first hand** experience **what it was like to be incarcerated.** In the 1960s, he spent 40 days in a maximum-security prison, the result of protesting on behalf of civil rights in the Deep South. In the same decade he joined a research team created at the request of New York Governor Nelson Rockefeller. They were brought together to examine rehabilitation efforts for prisoners. The study was well funded and important to an administration anxious to respond to increasing levels of crime. Today, the work that Martinson’s team undertook would be called a systematic review. They searched out treatment programs operating in and around institutions that had been well evaluated. Primarily that meant they had undergone a peer-reviewed study using the tools considered best practice. The programs had been examined using a control group who did not receive the treatment measured against the progress of those getting the intervention. The researchers looked for several outcomes but their main interest was recidivism—the number of times people re-offended. They found 231 studies met their criteria of a ‘good evaluation’. The scope of the study was reasonably wide. It included educational and vocational training. It looked at individual and group counseling. It examined programs to transform institutional environments including efforts to create supportive ‘milieu’ that were in vogue at the time. The research even took in medical treatment, including plastic surgery and hormone therapy. One of the evaluations they considered was a study from Denmark, which compared hormone replacement versus castration for sex offenders. In this and many other ways, the study reflected the era in which it was undertaken. The result was a long and scholarly report. It stretched to 1,400 pages. Its findings were uncomfortable. The researchers concluded that there was little hope to be found in any of the available programs. The government buried the study. The story might have ended there. But while his collaborators Douglas Lipton and Judith Wilks moved on and continued with their academic careers, the charismatic Martinson could not let it end there. Martinson fought the courts to get the findings released to the public. Then he prepared a series of magazine articles and journals to make sure the public paid attention. In one article in The Public Interest he answers his own question ‘does nothing work?’ with the conclusion ‘I am bound to say that these data, involving over two hundred studies, and hundreds of thousands of individuals as they do, are the best available and give us very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation.’ And so it was that the maxim ‘nothing works’ came to pass into common parlance when talking about programs to rehabilitate criminals. **Martinson thought his work would empty prisons, that the realization that prisons did nothing** to end crime **would cause a backlash against them and a search for better alternatives. But** on the day he jumped to his death there were less than half a million people in US prisons. Today, there are more than five times that number. The nation has the highest incarceration rate in the world. **His conclusions**, in fact, **helped feed a** different response, the **‘lock-em-up and throw away the key’ mentality.** They can’t be helped, the thinking goes, so you might as well lock them up for as long as possible.

## AT Farabee

Farabee’s a hack and he knows it. **Cullen et al 9** write[[113]](#footnote-113)

In 2005, David **Farabee published** Rethinking Rehabilitation: Why Can’t We Reform Our Criminals? **with** the American Enterprise Institute, **a neocon**servative Washington D.C. **think tank.** Subsequently, he took his message to the Washington Post, where his op-ed piece opposed pro-treatment legislation and ended with the admonition that “tackling prisoner recidivism is serious business requiring serious solutions, and it is unlikely to involve workbooks, videos or talk therapy” (2006, p. A9). Reminiscent of Martinson’s (1974a) “nothing works” essay, Farabee’s message that correctional rehabilitation is a failure has now entered the public domain and is an emergent reality that practitioners and policy makers must address. Farabee has every right to be a public intellectual engaged in “advocacy research”—an attempt to use research findings to build a case for a particular policy agenda (Gilbert, 1997). In doing so, however, he has selected to publish **in forums** in **which** his ideas **skirt** the regular **scholarly review** process. He is hardly the first to do so; after all, many academic books are subjected only to cursory peer review. Even so, the danger in this choice of outlets is that **his work** has **entered** the marketplace of ideas **absent** independent and blind **scrutiny by professional criminologists.** The buyers of his message should beware. In a nutshell, Farabee’s central message is that correctional rehabilitation programs do not reduce recidivism and that public safety and justice will be enhanced by criminal justice responses that emphasize subjecting offenders to arrest and close surveillance. Embedded within this message is a legitimate question over the capacity of the correctional system, especially prisons, to deliver effective treatment programs. But interspersed throughout Rethinking Rehabilitation are assertions based on a selective reading of the extant empirical evidence. **Only by ignoring studies that reach inconvenient conclusions can Farabee** construct a social reality that so easily **dismiss**es the promise of **treatment** and ignores the problems associated with sanctions emphasizing punishment, surveillance, and deterrence.

Farabee is so wrong, it takes a 23 page article just to explain how wrong he is.

**Cullen et al 9** write[[114]](#footnote-114)

**What Farabee Ignores** What, then, is the problem with Farabee’s analysis? Most generally, it is that **he leaps** from these sober reminders **to** a broad-based dismissal of offender rehabilitation. He shows little reluctance to offer the firm conclusion that “persisting with programs and policies that have no scientific merit simply because they are consistent with one’s general life view helps no one, and the fecklessness of most offender rehabilitation programs serves as a painful and costly reminder that it is time to move on” (2005, p. 79). But this is **a one-sided, selective view of** the effectiveness of correctional **rehab**ilitation programs. First, many of his criticisms of rehabilitation programs have been made previously by prominent advocates of offender treatment. These scholars have regularly called for “evidence-based” corrections and have criticized many existing programs for their lack of quality, even accusing some interventions of “correctional quackery” (Andrews & Bonta, 2006; Cullen & Gendreau, 2000; Gendreau, 1996; Latessa, Cullen, & Gendreau, 2002; MacKenzie, 2001, 2006). Their research also has demonstrated that treatment programs, though effective in institutions, have more positive effects in the community (Aos, Miller, & Drake, 2006; Lipsey, Chapman, & Landenberger, 2001; Lipsey & Wilson, 1998; McGuire, 2002). This omission suggests that those who favor rehabilitation blindly and naively support whatever is done in the name of correctional treatment. The reality, of course, is quite different. Many prominent advocates are committed to identifying the weaknesses of extant programs and of using science to guide t**he** development of more effective interventions. Second, Farabee **does not attend to** an important finding that can be drawn from **the large body of meta-analyses** conducted on treatment programs: while the overall effects of correctional rehabilitation are small to modest, some interventions achieve substantial reductions in recidivism (Cullen & Gendreau, 2000; McGuire, 2002; see also MacKenzie, 2006). Farabee does note that cognitive-behavioral programs have positive effects, but he soon concludes that “most programs” are “ineffective” (2005, p. 35) and criticizes those who embrace “‘progressive’ approaches such as talk therapy, psychodrama, and life-skills training” when a “wealth of evidence” shows “these programs do not work” (p. 36). These advocates, he claims, are guilty of an “inexplicable blindness” (p. 36). But one wonders how Farabee can ignore the wealth of empirical evidence showing considerable heterogeneity or variability in treatment outcomes. Clearly, some programs should be abandoned and are rightly condemned. However, other programs have a firm scientific base and warrant support (Lipsey, 1992; Lipsey & Wilson, 1998; MacKenzie, 2006; McGuire, 2002). Third (and related to t**he** second point), Farabee **ignores the** now **widely known** “**theory** of effective correctional intervention” set forth **by** Andrews, Bonta, **Gendreau**, **and** their **colleagues** (Andrews, 1995; Andrews & Bonta, 2006; Gendreau, 1996; Gendreau, Smith, & French, 2006). It is instructive that **Farabee cites these authors**’ works, but **primarily when it reinforces a criticism** he wishes to make **about** correctional **rehab**ilitation. Strangely, he does not mention the principles they have devised that are a blueprint for implementing a successful treatment program. **He is** equally **silent on the empirical evidence** in favor of this theory. Programs that comply with the principles of effective intervention achieve large reductions in recidivism (Andrews et al., 1990; Gendreau et al., 2006; see also Lipsey, 1992, p. 123; Lowenkamp, Latessa, & Smith, 2006; Nesovic, 2003). This is not to say that the theory and related empirical research on effective correctional intervention should be considered sacrosanct. It would be possible to devise a judicious critique of this evolving paradigm and of the ability to use this knowledge to implement programs that “work” in prison settings. **What is not acceptable**, however, **is to pretend that this theory and research do not exist.** Farabee would have been well within his scholarly rights to “take on” Andrews, Bonta, Gendreau, and colleagues, but he did his readers a disservice by not disclosing that a formidable defense of offender treatment existed and had to be addressed. THE FALSE PROMISE OF DETERRENCE So what, then, are we to do with offenders? What should be our guiding theory of corrections? **The best Farabee has to offer is** the dual prescription of incapacitating offenders in prison and trying to deter offenders in the community by watching them more closely. This is a punchless punch line that is based **more** on **speculation than** on good **science.** In fact, **Farabee’s “new model”**—as he calls it—**can only be embraced** so confidently **by ignoring a substantial body of evidence** that calls it into question. Ignoring Criminology From reading Rethinking Rehabilitation, one gets the sense that Farabee has become wary of offenders and recoils at their receiving any sympathy, especially in the form of efforts to rehabilitate their problems. For him, offenders are not victims of disquieting personal and social circumstances, but the architects of their own misery and of the misery they cause others. **In his words, “crime is a choice**, not an unavoidable response to a hopeless environment” (2005, p. 54). Offenders make this choice not because they are driven to do so but because they “know that the risk of getting caught is extremely low” (p. 54). Farabee grants that “the early life experiences of some offenders are disturbing and, in many cases, heartbreaking” (p. 55). But their criminal propensities, he claims, will not be reshaped by “workbooks, videos, or talk therapy” (p. 55). Instead, “they will change when the rewards of a licit lifestyle outweigh the rewards of a criminal lifestyle” (p. 55). Of course, **this** rather **simplistic** rational choice **perspective leads Farabee to** the easy embrace of **deterrence**. **Contrary to the logic of economics** (Levitt, 2002, p. 443; Reynolds, 1997), he dismisses the idea that prisons will deter offenders—despite the costs these entail. Instead, he argues that when the certainty of arrest becomes high enough (reaching a “tipping point”), crime will go down. Vigilant surveillance and arrest thus are the keys to reducing crime. Criminals must develop the expectation that offending will be followed by a consequence. In support of these assertions about the efficacy of deterrence (pp. 54–60), **Farabee mainly cites** a study on the inverse impact of arrest on crime in New York City (but see Eck & Maguire, 2000; Harcourt, 2001), **a 1974 study** on deterrence tipping points by Tittle and Rowe, and a few studies in which offenders suggest that the risk of punishment affects their decision to recidivate. His discussions, sprinkled with a few other sources (e.g., on how expectations can shape behavior), is nicely crafted and persuasive. Unfortunately, it is marked by two noteworthy omissions. First, Farabee fails to discuss the sizeable research literature on deterrence (Nagin, 1998), much of which suggests that punitive criminal sanctions have only a marginal specific deterrent effect on offenders (Akers & Sellers, 2004; Cullen, Pratt, Micelli, & Moon, 2002; Lipsey & Cullen, 2007; see also Sherman, 1993). Criminal sanctions, especially when applied with certainty, likely have an effect on crime, but the size of this effect is limited and often vanishes in the more methodologically sophisticated studies. Meta-analyses of both the perceptual deterrence and macro-level deterrence studies lend credence to this conclusion (Pratt & Cullen, 2005; Pratt, Cullen, Blevins, Daigle, & Madensen, 2006; see also Paternoster, 1987). Even if one assumes a more positive view toward deterrence (see, e.g., Levitt, 2002), it is incumbent on Farabee to alert his readers that deterrence is a controversial theory of offending and to deal with evidence contrary to the theory’s predictions (see also Doob & Webster, 2003). Second, citing Andrews, Farabee (2005, pp. 45–46) manifests an awareness of the risk factors that have been shown to predict criminal involvement, including recidivism (Andrews & Bonta, 2006; Gendreau, Little, & Goggin, 1996). Even so, **he ignores Andrews’s strong support for rehab**ilitation **and** his argument that these “dynamic risk factors” or “criminogenic needs” are amenable to change through responsive treatment interventions (Andrews & Bonta, 2006). Instead, Farabee **uses Andrews**’s list of risk factors **to reach the opposite conclusion.** To him, the high number of risk factors makes correctional treatment impractical, for it means that “we must intervene in virtually every aspect of the offenders’ lives” to be effective (2005, p. 46). The key point here, however, is that there is substantial criminological research showing that crime is not merely a rational choice but also is affected by an array of factors that, if not changed, will make recidivism quite likely (e.g., antisocial values, low self-control, antisocial peer associations). This observation does not mean that there is no deterrent effect whatsoever. Rather, it suggests that the choice of crime is not simply based on costs and benefits, but on who the offenders are (i.e., the “taste” or “propensity” for crime an offender brings into any situation). These risk factors do not vanish simply by claiming that “offenders make rational decisions to commit crimes and can therefore make rational decisions to abstain” (Farabee, 2005, p. 76). As research shows, they are strong predictors of recidivism. It is only by targeting them for change through planned treatment interventions that t**he**ir effects will be diminished. In short, Farabee embraces classical criminology and **simply rejects** the **scientific findings** on offending generated **by positivist criminology**, including from the longitudinal studies of life-course scholars. He reduces crime to a situational decision in which offenders assess whether they can escape detection. The complex sources of crime are rendered irrelevant. **In Farabee**’s wishful **world, we can ignore why people develop into offenders and ignore the strong individual differences** that place them at high risk of recidivating. The criminal sanction is thus accorded enormous curative powers. We need to know nothing about offenders except that when threatened with certain punishment, they will be scared straight. Ignoring Evaluation Research How are we to create a correctional system that is not ideological but based firmly on scientific knowledge? Farabee rejects making prison the centerpiece of his “new model.” Although there are clear incapacitation effects (Spelman, 2000), there is also a growing body of studies showing that imprisonment is associated with increased recidivism (Gendreau, Goggin, Cullen, & Andrews, 2000; Sampson & Laub, 1993; Smith, 2006; Spohn & Holleran, 2002). Based on a single study in which he is a coauthor (Prendergast, Farabee, & Cartier, 2001), he is willing to use “prison programs” as a tool to manage offenders during their incarceration. By reducing “tedium” and presumably keeping inmates busy, these programs will “help wardens run their institutions more smoothly” (2005, p. 65). Rehabilitation is thus to be reduced to a custodial tool that is not meant to have any effect on recidivism when inmates are released. Farabee does not consider the long-term implications of this policy. He is willing to have the 500,000 to 600,000 prison inmates who are released annually simply return to society without any concerted treatment effort to reduce their propensity to recidivate (see Petersilia, 2003; Travis, 2005). It is not clear that the American public would see this as a responsible correctional policy. Instead, Farabee places his faith in a new system of parole supervision, which has three prongs that will seek to deter high risk offenders. First, parole agents would be given small (15 to 1) caseloads that will allow them to intensively supervise offenders. They would act “solely to enforce the law among their caseloads, not serve as social service coordinators” (2005, p. 61). Second, offenders would be electronically monitored through “new tracking technologies” (global positioning systems) (pp. 71–73). Third, offenders would be placed on indeterminate parole sentences of a minimum of 36 months. Only when offenders have completed three straight years “without violating a single condition” of their parole—including misdemeanors and technical violations—would they be released from this supervision (p. 70). As Farabee (2005, p. 71) asserts, “our goal is not to shadow these offenders for the rest of their lives; rather it is to deter them from committing further crimes when their criminal propensities are highest.” Farabee (2005, p. 79) cautions that the “actual effectiveness of what I have proposed has yet to be tested empirically,” but he then confidently adds that “there is a wealth of tangential evidence that suggests that these ideas are worth trying.” For those familiar with correctional research, this is an astonishing statement. Beyond the ambiguous findings on the ability of criminal sanctions to specifically deter offenders, there is clear evidence that controloriented intensive supervision has no consistent meaningful impact on recidivism (MacKenzie, 2006). In fact, after a review and meta-analysis of the extant literature—which she terms “fairly substantial”—MacKenzie (2006) lists intensive supervision as a strategy that “does not work.” At most, intensive supervision has marginal effects on recidivism (see also Cullen, Wright, & Applegate, 1996; Fulton, Latessa, Stichman, & Travis, 1997; Gendreau, Clark, & Gray, 1996; Petersilia, 1998; Smith, Goggin, & Gendreau, 2002). **More telling**, however, **is Farabee’s failure to disclose** to his readers **the findings of Petersilia and Turner’s (1993) evaluation** of 14 intensive supervision programs (ISPs). In Rethinking Rehabilitation (p. 71), **Farabee cites this study in a context** that is **favorable to his** point of **view** (that intensive supervision can increase the detection of crimes by parolees). Fair enough. **But** he **then ignores the central finding** of Petersilia and Turner’s study. Using an experimental design that included random assignment—the very type of study that Farabee (2005, p. 66) claims corrections needs—they found that intensive supervision had no impact on recidivism in any of the sites studied. “At no site,” Petersilia and Turner (1993, pp. 310–311) concluded, “did ISP participants experience arrest less often, have a longer time to failure, or experience arrests for less serious offenses than did offenders under routine supervision.” They noted further that this “is a strong finding, given the wide range of programs, geographical variation, and clientele represented in the demonstration projects” (p. 311). The only optimistic finding was tentative evidence showing that reoffending was reduced—“10 to 20 percent”—when intensive supervision was coupled with the delivery of treatment (p. 321). As Petersilia (1998, p. 6) later observed, “the empirical evidence regarding intermediate sanctions is decisive: Without a rehabilitation component, reductions in recidivism are elusive” (see also Byrne & Pattavina, 1992; Caputo, 2004; Gendreau, Cullen, & Bonta, 1994; Paparozzi & Gendreau, 2005). We want to emphasize that these findings cannot be dismissed as the work of pro-treatment zealots. Petersilia and Turner worked for RAND, not a correctional agency, and had no axe to grind. If anything, Petersilia—the lead author of the evaluation study—was open to the judicious use and possible value of intermediate sanctions, such as ISPs, as part of a broader approach to “smart sentencing” (Byrne, Lurigio, & Petersilia, 1992). The literature on electronic monitoring is less well developed. Although some positive results can be found (Padgett, Bales, & Blomberg, 2006), the research would urge caution rather than hubris. Most instructive, MacKenzie’s (2006) review of evaluation studies concludes that electronic monitoring “does not work” (see also Cullen et al., 1996). Farabee might offer the rebuttal that a system that combined intensive supervision, electronic monitoring, and indeterminate parole sentences would create an interaction effect in which this unique system of control would reduce recidivism. But this is the kind of wishful thinking that he indicts progressives for when they propose unproven treatment interventions that are not rooted in scientific data. The stubborn reality is that the existing evaluation research would predict that Farabee’s policy proposals would have little or no effect on recidivism. The likely result is that public funds would be wasted, offenders’ lives would not be changed, and public safety would be endangered. CONCLUSION: CHOOSING THE FUTURE Corrections is an enterprise that is marked by much failure, which is a legitimate reason for concern. Farabee and the leading advocates of rehabilitation would concur that many existing programs—including those in prison—are based on custom and convenience rather than on science and experimental data. They are often poorly implemented and inadequately staffed. To the extent that Farabee helps to illuminate what is wrong with corrections, his critique serves a useful purpose. But two important problems inhere in his critique. First, we suspect that Farabee’s disillusionment with correctional treatment programs is heartfelt. But at least as reflected in Rethinking Rehabilitation, this conviction appears to result in the advocacy of a position rather than in a judicious, balanced review of the extant evidence. Ironically, **this document reflects** the very shortcoming that treatment’s defenders are accused of: the **selective reading of** the research **evidence.** As we have attempted to demonstrate, **Farabee**’s analysis **ignores theory and research favorable to rehab**ilitation and ignores evaluation studies that show that his agenda for corrections is erected on a fatally flawed foundation. He has plenty of skepticism for rehabilitation but virtually none for deterrence. If this were merely an academic exercise, the potential consequences would likely be minor. But Farabee has taken his message outside academia and into the public policy arena. **His intent is to be a public intellectual** who, **through an influential think tank** and writing an op-ed piece in a prominent newspaper, shapes correctional policy and practice. He is a gifted writer and crafts a persuasive argument. His ideas are to be taken seriously because they have the potential to filter into policy discussions. Once again, corrections officials are likely to have to confront the challenge that, “Well, I hear that rehabilitation doesn’t work.” Martinson’s bleak “nothing works” era will not return, but Farabee’s document—as this rejoinder suggests—is making the rounds. The limits of his position need to be revealed. This is why we have used this essay to criminologically “deconstruct” Rethinking Rehabilitation. Second and related, the future of corrections is not fully decided but rather remains to be chosen (Cullen & Wright, 2002; Sherman & Hawkins, 1981). We are convinced that the correctional vision constructed by **Farabee is dismal and dangerous.** It is dismal because in Farabee’s future, prisons would be reduced to custodial institutions, community corrections would be reduced to a police function, and offenders would be stripped of their criminogenic personal histories and reduced to rational decision makers. Farabee sees this as a sober, realistic view; we see it as needlessly hopeless and dangerous. As we have argued, the evidence suggests that his policy prescriptions will do little to protect public safety.

# Misc.

## AT Pay For It Themselves

1. Prisoners can’t afford college without Pell Grants. **Buzzini 09**[[115]](#footnote-115)

There are other dissenters of federally funded PSCE that feel prisoners simply don’t have a real financial need for the funds. However, the Director of Prison Education at Walla Walla Community College in Washington says, “**It’s unrealistic to make prisoners pay for college because prisoners only earn $50 a month**” (Freedman 6)**.** And on the outside, most inmates weren’t raking in the dough, either. A 1986 survey shows that **60 percent of prisoners did not earn more than $10,000 in the year preceding their imprisonment** (Taylor “Pell Grants”). **Incarcerated or not, most inmates would have received Pell Grants.**

2. It’s impossible for prisoners to cover their education on their own.

**Erisman and Contardo 05**[[116]](#footnote-116)

An argument can be made that requiring prisoners to cover the cost of their higher education is only fair. After all, they would have to pay for college if they were not incarcerated. **Paying** the **full** cost of college **tuition** and fees, however, **is** well **beyond the means of most prisoners. Wages for prison work** vary signifcantly from state to state but are typically quite low. As of 1997, almost three-quarters of prisoners reported having a work assignment, either at the correctional facility or outside of it, but only 68 percent of these prisoners—50 percent of all prisoners—were paid for their work. Wages **were typically below one dollar per hour with a median wage of 30 cents per hour**, and prisoners worked, on average, 28 hours each week**.** At this rate, the prisoners who earned any income at all received approximately $8.40 per week or $33.60 per month. Prisoners who were paid by the month reported only slightly higher wages—$42 per month on average (U.S. Dept. of Justice 2001). **Even at a** lower-cost **community college, this** amount of money **would not go very far, and education**al **costs are not the only expenses for which prisoners may be responsible.** As of 2002, **53 percent of U.S. prison[s]** systems **charge**d **inmates for room and board** while 71 percent charged fees for medical services. **Prisoners may also be required to pay for clothing,** phone calls and postage, **books or magazines,** food purchased from the prison canteen, **and** in some states, toiletries such as **shampoo or toothpaste.** These costs are typically lower than those outside the correctional setting—medical fees, for example, ranged from 50 cents to $5 per visit as of 2002—but basic expenses still consume a substantial portion of the money earned by prisoners (American Correctional Association 2002).

## AT Prison Environment Bad for Learning

1. Prisoners will find their educational experience meaningful. Positive feedback before Pell Grants were prohibited proves. Former inmate **Santos 8**[[117]](#footnote-117)

I am a huge believer in education programs. **Through the Pell Grant, I was able to meet the costs of an undergraduate degree.** I feel as though I contributed to the costs of my education because while I was studying, I worked a full-time job in prison with the nominal wage of 12 cents per hour. Besides the **subsidized education**, however, the taxpayer investment has enabled me to make meaningful contributions to society. My education **has prepared me for employment upon release, and that** employment **will obliterate** the **chances of my recidivism.** I have created a place for myself in society that will yield higher tax revenues for the system. Further, **my contributions will persuade more prisoners to prepare for law-abiding lives upon release.** It costs less to educate a man than to incarcerate him, and the rewards for society are infinitely higher. **With more than 21 years of prison behind me,** however, I believe **I’ve had enough of confinement.** The time is here for my release.

2. Prefer my studies. Prisoners still got employed upon release and didn’t return to crime once they got the Pell Grant, regardless of their environment – That’s Buzzini 09.

## AT Offends Victims

1. No impact to offended victims.

2. Empirically denied. Victims want offenders to be rehabilitated. **Karmen 12**[[118]](#footnote-118)

Some **victims do not look to the** **c**riminal **j**ustice **s**ystem **to exact revenge** by tormenting the law breaker in their names. Instead, they want professionals and experts to help wrongdoers become decent, productive, law-abiding citizens. **Victims** are most likely to endorse treatment and rehabilitation services if their offenders are not complete strangers. They **realize that is in their** enlightened **self-interest to** try to salvage, **save**, rescue and cure troubled family members, other **loved ones**, friends, neighbors, classmates, or close colleagues at work. Rehabilitation might take the form of counseling, behavior modification, intense psycho-therapy, detoxification from addictive drugs, medical care, additional schooling, and job training. “Helping” offenders remains as much a part of the justice system’s mission as making them sorry for what they did. Rehabilitation was the original motivation of critics of corporal punishment and the widespread imposition of the death penalty (like the Quakers) who invented “penitentiaries” and “reformatories” and “houses of correction” in the early 1800’s. Unfortunately, the ascendancy of a pessimistic, “nothing works” point of view (popularized because of a mistaken interpretation of a major study [see Martinson, 1974]) has led to disenchantment with the longstanding practice of investing in rehabilitation programs within prison walls. **Rehab**ilitation **followed by reintegration into the community** (“reentry”) is a long-term strategy that **benefits both victims and society**. Incapacitating antisocial predators is a short-term strategy that merely buys time and promotes a false sense of security. Angry and frustrated inmates may pose even greater threats to public safety when they are released from custody. **Victims who overcome their initial emotional outrage** over what offenders did to them might **become equally infuriated about ineffective**, heavy-handed **punitive policies** as well as inept efforts to change the personalities and conduct of inmates in jails or prisons, or of convicts on probation or parole.

3. Victims wouldn’t want extinction, so the Plan is key.

# AT Impact Turns/Defense

## AT Heg Bad (General)

Overview to the impact turns; heg bad is not responsive. The heg bad turns assume increased US military intervention which the aff doesn’t claim. I say that Pell Grants boosts economic competitiveness so that we can peacefully mediate conflicts through means like economic engagement or sanctions – that’s Chazelle 11 and Hubbard 10 and has nothing to do with military power.

## AT Heg Unsustainable

Overall sustainability is irrelevant. The US will continue to rely on naval power to deter multiple conflict scenarios. **Whiteneck 10**[[119]](#footnote-119)

In the future, **the demand for the Navy will continue to be part of an activist** US **foreign policy. There is no end in sight for coalition leadership, counter-terrorism** on a global scale, **or the use of U.S. forces to demonstrate commitment** and resolve in areas of interest. The importance of access secured by continuous Department of Defense and Department of State efforts with partners will support this global presence. U.S. interests in securing the global commons (sea, air, space, cyber) will remain in place, and **the U.S. will remain the guarantor of security for democratic nations through its near monopoly on high-end military power** and defensive systems. **Continued demand for active** peacetime **engagement** by the U.S. military **will be met by maritime diplomacy** to support administration priorities and to support security cooperation activities by COCOMs.

## AT Plan Not Key (Competitiveness)

1. Even if other areas of the economy matter, China isn't surpassing us in roads. The area we're losing in now is skilled workers, so the plan is key.

2. Education is the key internal link to all the other important areas of competitiveness. Can’t compete at manufacturing if we don’t have skilled workers building the tech.

3. Plan affects multiple areas – prisons, education, labor markets, recidivism, and unemployment.

4. US can't outcompete other countries in China in manufacturing. They have surplus workers, fewer regs, and lower labor standards like minimum wage. For the US, skilled workers are key because it's the only area we can excel in.

5. My uniqueness is skilled worker specific, That’s Cooper et al. 12.

6. It's try or die. Extinction is inevitable in the squo, only a risk the plan solves.

## AT Dedev

### General Tricks

1-8. Omitted

### Warming Debate

1-10. Omitted.

# AT Ks

## General Perms

Omitted.

## Judge Choice

Omitted.

## Offense-Defense

Extend from the bottom of the AC that the neg must defend a competitive post-fiat US policy. That’s Nelson 8, two warrants

a. Reciprocity. Otherwise he gets infinite no-risk NIBs which I can’t get offense from or weigh against.

b. Real-World Education. Most debates on the floor of Congress don’t devolve into discursive rants. Policies are key.

Policymaking-focus is best. The K theorizes academia into irrelevance. Only my framework causes real-world change. **Jentleson 02**[[120]](#footnote-120)

To be sure, political science and international relations have produced and continue to produce scholarly work that does bring important policy insights. Still it is hard to deny that contemporary **political science** and international relations **as a discipline put limited value on policy** relevance—too little, in my view, and the discipline suffers for it. 1 The problem is not just the gap between theory and policy but its chasmlike widening in recent years and the limited valuation of efforts, in Alexander George's phrase, at "bridging the gap." 2 The [End Page 169] events of September 11 drive home the need to bring policy relevance back in to the discipline, to seek greater praxis between theory and practice. This is not to say that scholars should take up the agendas of think tanks, journalists, activists, or fast fax operations. The academy's agenda is and should be principally a more scholarly one. But theory can be valued without policy relevance being so undervalued. Dichotomization along the lines of "we" do theory and "they" do policy consigns international relations scholars almost exclusively to an intradisciplinary dialogue and purpose, with conversations and knowledge building that while highly intellectual are excessively insular and disconnected from the empirical realities that are the discipline's raison d'être. **This stunts the contributions that universities**, one of society's most essential institutions, **can make in dealing with the** profound problems and **challenges society faces**. It also is counterproductive to the academy's own interests. Research and scholarship are bettered by pushing analysis and logic beyond just offering up a few paragraphs on implications for policy at the end of a forty-page article, as if a "ritualistic addendum." 3 **Teaching is enhanced** **when students' interest in "real world" issues is engaged** in ways that reinforce the argument that theory really is relevant, and CNN is not enough. There also are gains to be made for the scholarly community's standing as perceived by those outside the academic world, constituencies and colleagues whose opinions too often are self-servingly denigrated and defensively disregarded. It **thus is** both **for the health of the discipline and to fulfill its broader societal responsibilities** that greater praxis is to be pursued.

Policy relevance is key and turns their impacts. **Gunning 07**[[121]](#footnote-121)

The notion of emancipation also crystallizes the need for policy engagement. For, **unless a 'critical' field seeks to be policy relevant**, which, as Cox rightly observes, means combining 'critical' and 'problem-solving' approaches, **it does not fulfil its 'emancipatory' potential**.94 **One** of the **temptation**s of 'critical' approaches **is to remain mired in critique** and deconstruction **without moving beyond** this **to** reconstruction and **policy relevance**.95 Vital as such critiques are, the challenge of a critically constituted field is also to engage with policy makers – and 'terrorists'– and work towards the realization of new paradigms, new practices, and a transformation, however modestly, of political structures. That, after all, is the original meaning of the notion of 'immanent critique' that has historically underpinned the 'critical' project and which, in Booth's words, involves 'the discovery of the latent potentials in situations on which to build political and social progress', as opposed to putting forward utopian arguments that are not realizable. Or, as Booth wryly observes, 'this means building with one's feet firmly on the ground, not constructing castles in the air' and asking 'what it means for real people in real places'.96 Rather than simply critiquing the status quo, or noting the problems that come from an un-problematized acceptance of the state, a 'critical' approach must, in my view, also concern itself with offering concrete alternatives. Even while historicizing the state and oppositional violence, and challenging the state's role in reproducing oppositional violence, it must wrestle with the fact that **'the** concept of the modern **state** and sovereignty **embodies a coherent response to many** of the **central problems** of political life', **and** in particular to 'the place of **violence** in political life'. Even while 'de-essentializing and deconstructing claims about security', it must concern itself with 'howsecurity is to be redefined', and in particular on what theoretical basis.97 Whether because those critical of the status quo are wary of becoming co-opted by the structures of power (and their emphasis on instrumental rationality),98 or because policy makers have, for obvious reasons (including the failure of many 'critical' scholars to offer policy relevant advice), a greater affinity with 'traditional' scholars, the role of 'expert adviser' is more often than not filled by 'traditional' scholars.99 The result is that policy makers are insufficiently challenged to question the basis of their policies and develop new policies based on immanent critiques. A notable exception is the readiness of European Union officials to enlist the services of both 'traditional' and 'critical' scholars to advise the EU on how better to understand processes of radicalization.100 But this would have been impossible if more critically oriented scholars such as Horgan and Silke had not been ready to cooperate with the EU. Striving to be policy relevant does not mean that one has to accept the validity of the term 'terrorism' or stop investigating the political interests behind it. Nor does it mean that each piece of research must have policy relevance or that one has to limit one's research to what is relevant for the state, since the 'critical turn' implies a move beyond state-centric perspectives. End-users could, and should, thus include both state and non-state actors such as the Foreign Office and the Muslim Council of Britain and Hizb ut-Tahrir; the zh these fragmented voices can converge, there are two further reasons for retaining the term 'terrorism'. One of the key tasks of a critically constituted field is to investigate the political usage of this term. For that reason alone, it should be retained as a central marker. But, even more compellingly, the term 'terrorism' is currently so dominant that a critically constituted field cannot afford to abandon it. **Academia does not exist outside the power structures of its day.** However problematic the term, **it** dominates public discourse and as such **needs to be engaged with, deconstructed and challenged, rather than abandoned and left to those who use it without problematization** or purely for political ends. Using the term also increases the currency and relevance of one's research in both funding and policy circles, as well as among the wider public. It is because of this particular constellation of power structures that a 'critical' field cannot afford, either morally or pragmatically, to abandon the term 'terrorism'. This leads to the twin problems of policy relevance and cultural sensitivity. A critically conceived field cannot afford to be policy irrelevant while remaining true to the 'emancipatory' agenda implicit in the term 'critical', nor can it be uncritically universalist without betraying its 'critical' commitment.

## Cede the Political

Omitted.

## AT Discourse First

Omitted.

## Genealogy Bad

Omitted.

## Freire Turn

The plan is key to revive liberal arts in prison which promotes critical pedagogy.

**Yates 9**[[122]](#footnote-122)

In the 1970s and 1980s, in part **due to** the availability of **the Pell Grant,** a **liberal arts** curriculum **became a major component of** many **prison education** programs in a way that it never had before. According to Mary Wright (2001) the correction education liberal arts programs remained in favor well into the 1990s even as it was de-emphasized in the 54 larger academic world. She gives several reasons, including the slow pace of change in prisons, the lack of flexibility and increased cost of obtaining equipment for technical job training programs. However, in the 1990s, liberal arts in a correctional setting fell into disfavor, and adult basic education and vocational education programs reasserted their primacy in the penal system (Wright, 2001). Vocational programs in prison included plumbing, carpentry, electrical wiring, painting, heating and air conditioning as well as computer literacy. In addition, the emphasis on job training spilled over into the language arts and math programs as they were retooled to focus on technical and applied reading and writing (Steuer, 2001). Between 1995 and 2000, the percentage of state prisons offering college courses decreased from 31% to 26% while those offering basic adult education increased from 76% to 80%. State prisons offering vocational education increased from 54% to 55% and in private prisons it increased from 25% to 44% in the same time period (Harlow, 2003). Several reasons are given for this change in addition to the dissolution of prisoner Pell Grants. One is the perceived threat liberal arts curricula pose to the penal institution. Wright (2001) states that “a **liberal arts** curriculum, **which** often **emphasize**s **critical thinking**, intellectual and moral reasoning and development of an inmate’s sense of self may **pose a challenge to the established order** of a correctional facility” (p. 13). In addition, **with Pell Grants gone, prison**er **education** programs **became** more **dependent** up**on outcome-based funding.** Performance-based management of these programs, like the parallel evolution in public schools, led to “school report cards” that evaluated the effectiveness of the programs in turning out their product (Linton, 2005). Curricula that can lend to empirical studies, such as testing in basic adult education, were given priority 55 over liberal arts, which seemingly has more nebulous outcomes. According to John Linton (2005) of the U.S. Department of Education‟s Correction Education division: “The current climate [requires] that expenditure of public funds be restricted to „scientifically proven‟ effective interventions” (p. 91). Job training fits well to this regime because the results of the program could be measured empirically through the numbers of the test group who are able to obtain work. In addition, recidivism rates could be obtained. Numerous studies have pointed to the inverse relationship between vocational technical programs and recidivism (Hall & Bannatyne, 2000; Mattuci & Johnson, 2003; Young & Mattuci, 2006, Gordon & Weldon, 2003). Empirical studies focusing strictly on recidivism as a measurement of achievement have not been without their faults. In his examination of the more recent works, Charles Ubah (2002) has found a tendency for the inmates to self-select into the programs. These participants were probably more motivated, as a whole, to succeed upon their release, than those who did not participate (Ubah, 2002). Ubah‟s findings bring up another important question: What about those who slip through the cracks in the empirical studies? An example may be found in Robert Mattuci‟s (2003) description of the vocational program that he set up in a New York state prison. It consisted of an eight session program to teach the students basic plumbing skills in order to increase their employment prospects upon release. Mattuci, who had a bachelor‟s degree in education and twenty years experience as a plumber, appeared to incorporate a well-thought out system of pedagogy. He relates that “many inmates have never known a positive schooling experience so they lack the needed confidence to succeed at learning something new. A key to the program is therefore validating their differences as 56 individuals and accommodating their multiple learning styles” (p. 16). Mattuci had them work in groups for all hands-on activities and encouraged group brainstorming and problem solving. Yet, despite the care in which the teacher took in order to facilitate a sense of community on the shop floor, there were a significant number of inmates who did not take to the class. “Especially for the younger inmates, gang activity is very evident. The dropout rate of the male youth in three of the groups was 90%. For those influenced by gangs, there is a total lack of respect for the process of setting goals and working toward them” (Mattuci & Johnson, 2003, p. 17). A conventional vocational program may not reach this group of inmates who, as dropouts of the program are more likely to return to prison. While recidivism is an important issue, it must be understood within context of the many variables that exist both within the inmates and, just as importantly, the conditions that exist once they are released. Barriers to post-release employment include lack of current job skills in a rapidly changing market, lack of available jobs in a tight market, the large hole in the employment history created by incarceration, and perhaps most significantly, the criminal record. With the rise of the information society, even jobs considered “menial,” require criminal background checks. The perceived and actual impediments to employment can decrease the seeker‟s motivation and self image (Pavis, 2002). Combined with conditions that facilitated a life of crime in the first place: poverty, discrimination, substance abuse, the deck is stacked against the average inmate. Conventional job training in itself is clearly not going to arm these people against the challenges of life on the outside. The attributes previously described that led some 57 prisons to reject liberal arts education; the “critical thinking, intellectual and moral reasoning” leading to a “sense of self,” must be cultivated (p. 1). **Freire** (2004), Giroux (2006) **and others have called for** a **pedagogy** that is **freed from the bonds of the “bottom-line**.**”** Mike Cole (2005) puts it succinctly, calling for schools to become sites where “teachers, other school workers and pupils/students not only agitate for changes within the classroom and within the institutional context of the school, but also support a transformation in the objective conditions in which students and their parents labor” (p. 16). In this vision, there is no room for docile workers. **Schools would be** transformed into **emancipatory institutions where workers would** not only be provided basic literacy, vocational skills and liberal arts, but would also **learn to advocate for a better world.** I explore this possibility further in Chapter 5.

Critical pedagogy solves their impacts. Arab Spring proves. **Barmania 11**[[123]](#footnote-123)

Frantz Fanon, Iconic psychiatrist and author of books such as “Wretched of the Earth”, wrote that “literature increasingly involves itself in its only real task, which is to get society to reflect and mediate”. Paulo Freire’s landmark book, “Pedagogy of the Oppressed” is a prime example of literature that makes one reflect, cogitate and ponder all at once. In addition, **Freire’s “Pedagogy” is** also the archetypal case in point of a book, which isjust as **relevant** today as it was decades ago. Freire was a Brazilian educator, who grew up during the poverty of the Great Depression in the 1930s and published one of his seminal works “Pedagogy of the Oppressed”, in English in 1970. Freire’s book, rooted in his experience of liberation in Brazil is equally apt **in the context of the Arab Spring,** and particularly after the death of Gaddafi last week. One of Freire’s central tenets was that “education is freedom” that leads toward true liberation and that the “banking” concept of education- where students are empty vessels to be filled, acts as an instrument of oppression. **He called on** the **cultivation of** a **critical consciousness** (conscientizacao), enabling those to reflect upon their own reality and thereby transform it. “How can the oppressed, as divided, unauthentic beings, participate in developing the pedagogy of their liberation” Freire asks? It is this concept of **the oppressed** initiating and **participating in their** own **liberation**, aswas the case in the Arab Spring, which **was central to Freire’s writing.** Freire explains: “Revolution is born as a social entity within the oppressor society…Every entity develops (or is transformed within itself, through the interplay of its contradictions. External conditioners, while necessary, are effective only if they coincide with those potentialities”. It is a sentiment shared by many involved in the Arab Revolution, including Ahmed Farid, an Egyptian lawyer and peace activist working in Alexandria, Egypt. Speaking with Farid he speaks optimistically and passionately: “**For centuries** the **Arab countries lived in a**n automatic and **dictatorial regime. People were yearning for** justice and equality for democracy and **freedom**s **but with no effective result UNTIL the revolution came.** It was not a revolution of the hungry or the miserable, though lots of people were in need, but it was a revolution for dignity and self respect”. Farid continues: “from Tunisia when a police woman slapped Mohamed Bo Azizi when he asked for his rights and he decided to commit a suicide then all the **Tunisians** went out from their homes and **demonstrated against the regime and they succeeded. Then it** [the revolution] **came to Egypt and** the regime said Egypt is not like Tunisia but **the Egyptians** made it, they **made it in a peaceful** and modern **way that attracted the attention of the whole world.** Freire also highlights the “culture of silence” and strategies that are enacted in order that oppression of the people is maintained. “Manipulation, sloganizing, depositing, regimentation, and prescription cannot be components of revolutionary praxis, precisely because they are the components of the praxis of domination” Freire’s work, often cited in peace education discourses, also highlights the real potentiality of the oppressed becoming the oppressors, which seems particularly timely given the discovery of 53 bodies of executed Gaddafi loyalists, reported by Kim Sengupta. Freire’s words seem almost like a forewarning: “[Dehumanization of the oppressed] …is a distortion of being more fully human, sooner or later being less human leads the oppressed to struggle against those who made them so. In order for this struggle to have meaning, the oppressed must not, in seeking to regain their humanity, become in turn oppressors of the oppressors, but rather restorers of the humanity of both”. Paulo Freire’s “Pedagogy of the oppressed” is timeless, as pertinent to the revolution in the Middle East now as to those in South America decades ago. Moreover, most importantly it makes one reflect and in Freire’s words it is this “reflection- **true reflection** which **leads to action**”

Policymaking focus is key. Critical pedagogy requires revolutionary political action.

**Giroux 10**[[124]](#footnote-124)

Paulo was a cosmopolitan intellectual, who never overlooked the details in everyday life and the connections the latter had to a much broader, global world. He consistently reminded us that political struggles are won and lost in those specific yet hybridized spaces that linked narratives of everyday experience with the social gravity and material force of institutional power. **Any pedagogy that called itself Freirean had to acknowledge the centrality of** the particular and contingent in shaping historical contexts and **political projects.** Although Freire was a theoretician of radical contextualism, he also acknowledged the importance of understanding the particular and the local in relation to larger, global and cross-national forces. For Freire, literacy as a way of reading and changing the world had to be reconceived within a broader understanding of citizenship, democracy and justice that was global and transnational. **Making the pedagogical more political** in this case **meant** moving beyond the celebration of tribal mentalities and **developing a praxis that foregrounded "power, history,** memory, relational analysis, **justice** (not just representation), **and ethics as** the issues **central to** transnational **democratic struggles**."[[14](http://archive.truthout.org/10309_Giroux_Freire#14)] But Freire's insistence that education was about the making and changing of contexts did more than seize upon the political and pedagogic potentialities to be found across a spectrum of social sites and practices in society, which, of course, included but were not limited to the school. He also challenged the separation of culture from politics by calling attention to how diverse technologies of power work pedagogically within institutions to produce, regulate and legitimate particular forms of knowing, belonging, feeling and desiring. But Freire did not make the mistake of many of his contemporaries by conflating culture with the politics of recognition. **Politics was** more than a gesture of translation, representation and dialogue, it was also **about creating** the **conditions for** people to govern rather than be merely governed, capable of mobilizing **social movements against** the **oppressive economic, racial and sexist practices** put into place by colonization, global capitalism, and other oppressive structures of power. Paulo Freire left behind a corpus of work that emerged out of a lifetime of struggle and commitment. Refusing the comfort of master narratives, Freire work was always unsettled and unsettling, restless yet engaging. Unlike so much of the politically arid and morally vacuous academic and public prose that characterizes contemporary intellectual discourse, Freire's work was consistently fueled by a healthy moral rage over the needless oppression and suffering he witnessed throughout his life as he traveled all over the globe. Similarly, his work exhibited a vibrant and dynamic quality that allowed it to grow, refuse easy formulas and open itself to new political realities and projects. Freire's genius was to elaborate a theory of social change and engagement that was neither vanguardist nor populist. While he had a profound faith in the ability of ordinary people to shape history and to become critical agents in shaping their own destinies, he refused to romanticize the culture and experiences that produced oppressive social conditions. Combining theoretical rigor, social relevance and moral compassion, Freire gave new meaning to the politics of daily life while affirming the importance of theory in opening up the space of **critique,** possibility, politics and practice. Theory and language were a site of struggle and possibility that **gave experience meaning and action a political direction, and any attempt to reproduce the binarism of theory vs. politics was** repeatedly **condemned by Freire.** Freire loved theory, but he never reified it. When he talked about Freud, Marx or Erich Fromm, one could feel his intense passion for ideas. And, yet, he never treated **theory** as an end in itself; it **was always** a resource, the value of which lay in understanding, critically engaging and transforming the world as **part of a larger project of freedom and justice.** To say that his joy around such matters was infectious is to understate his own presence and impact on so many people that he met in his life.

## AT Cap K

1. TURN – The federal ban on Pell Grants for prisoners’ education was engrained in neoliberal logic of economic competitiveness that privileged vocational training over liberal arts education. **Yates 9**[[125]](#footnote-125)

In 1971, Supreme Court Justice Warren Burger spoke at the first National Conference on Corrections, “We know that today the programs of (prisoner) education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means, and the motivation to learn his way to freedom” (Burger, 1985 p. 193). Prison-based programs have dated back to the 1800s as reformers sought to extend basic and vocational education, as well as moral education to those who had been convicted of crimes (Welch, 1996). Gehring and Wright (2003) propose that many of these early reformers were not just interested in improving the virtues of the inmates, but also had a sophisticated understanding of the anti-democratic nature of penal systems. They had the progressive notion that prisoners were capable of being agents in their own reformation by taking responsibility for education. Gehring and Wright call the presence of these early radical prison educators, “the hidden heritage of correctional education” (p. 52 5). They suggest this thread of progressiveness extended up through World War II after which Cold War pragmatism resulted in a return to basic education (Gehring & Wright 2003). Much of the **programs of the** 19**60s and** 19**70s** followed a functionalist approach that **equated an inmate’s** future **success** as a law-abiding citizen **with** the knowledge required to obtain lawful employment and negotiate legal society. These skill sets focused primarily on obtaining **vocational skills** and basic literacy. Howard Davidson describes this theory: “it propounds that crime results from individuals making poor (i.e. criminal) decisions when faced with life‟s many problems. **Out of neoliberalism comes the market metaphor, in which individuals make rational decisions based on calculating benefits against costs**” (Davidson, 1995, p.4). How did the modern functionalist approach to prisoner education take root? Much of the impetus seems to have arisen from human capital theory. **One** of the **primary feature**s **of neoliberal thought** and practice **is the reliance upon** human capital theory to explain the purpose of education. Human capital theory has been described by Robert Hart and Thomas Moutos (1995) as an investment of **skills training in workers that seeks to balance the costs of training with the return on** the **investment.** Even the proponents of human capital theory describe it as reductionist, mechanical and based upon “homogenized factors.” During the reign of neoliberalism, human capital theory slithered from its manufacturing origins into the corridors of education. Perhaps the most succinct description of the human capital theory of education is provided (without apparent irony) by Joop Hartog and Hessel Oosterbeek (2007): “The basic human capital model of schooling envisages two options (1) go to school for s years and earn an income Ys every year after leaving school, or (2) go to work right away and earn 53 annual income Yo” (p. 7). This reductionist view of the role of schooling does not take into account exogenous factors that can affect income level such as discrimination and availability of jobs in the market (Livingstone, 1997). The role of human capital theory in education reached a high level of urgency among neoliberals as concern arose regarding the United States competiveness in global markets. Chief among the proponents were Presidents George Bush and Bill Clinton through the Goals 2000 project which set the priority for education to create the workers who could increase the U.S. efficacy in international capitalism (Briscoe, 2000). A center-piece of the thrust toward implementation of human capital theory in education was the No Child Left Behind legislation which narrowed the focus of educational curricula toward those basic skills required for technical society such as math, reading and science at the expense of those for an active, well-rounded life such as social studies, art, music and physical education. According to Pauline Lipman (2007) No Child Left Behind is “explicitly designed to meet the needs and technical rationality of business… symbolically, as well as practically, national testing constitutes a system of quality control, verifying that those who survive the gauntlet of tests and graduate have the literacies and dispositions business requires” (Lipman, 2007, p. 46). Lipman sees the legislation as a disciplinary process with the end product being docile workers, the ultimate in human capital. Prisoner job training programs fulfilled this need. In the 1970s and 1980s, **in part due to** the availability of **the Pell Grant,** a **liberal arts** curriculum **became a major component of** many **prison education** programs in a way that it never had before**.** According to Mary Wright (2001) the correction education liberal arts programs remained in favor well into the 1990s even as it was de-emphasized in the 54 larger academic world. She gives several reasons, including the slow pace of change in prisons, the lack of flexibility and increased cost of obtaining equipment for technical job training programs. However, **in the** 19**90s,** liberal arts in a correctional setting fell into disfavor, and adult basic education and vocational education programs reasserted their primacy in the penal system (Wright, 2001). Vocational programs in prison included plumbing, carpentry, electrical wiring, painting, heating and air conditioning as well as computer literacy. In addition, the emphasis on job training spilled over into the **language arts and math** programs as they **were retooled to focus on technical** and applied **reading and writing** (Steuer, 2001). Between 1995 and 2000, **the percentage of state prisons offering college courses decreased** from 31% to 26% **while** those offering basic adult education increased from 76% to 80%. State prisons offering **vocational education increased** from 54% to 55% and in private prisons it increased from 25% to 44% in the same time period (Harlow, 2003). Several reasons are given for this change in addition to the dissolution of prisoner Pell Grants. One is the perceived threat liberal arts curricula pose to the penal institution. Wright (2001) states that “a liberal arts curriculum, which often emphasizes critical thinking, intellectual and moral reasoning and development of an inmate’s sense of self may pose a challenge to the established order of a correctional facility” (p. 13). In addition, **with Pell Grants gone, prison**er **education** programs **became** more **dependent** up**on outcome-based funding.** Performance-based management of these programs, like the parallel evolution in public schools, led to “school report cards” that evaluated the effectiveness of the programs in turning out their product (Linton, 2005). Curricula that can lend to empirical studies, such as testing in basic adult education, were given priority 55 over liberal arts, which seemingly has more nebulous outcomes. According to John Linton (2005) of the U.S. Department of Education‟s Correction Education division: “The current climate [requires] that expenditure of public funds be restricted to „scientifically proven‟ effective interventions” (p. 91). **Job training fits well to this regime because** the **results of the program could be measured empirically through** the **numbers** of the test group who are **able to obtain work.**

2. TURN – Without Pell Grant funding, prison education programs are forced to rely on donations from the private sector. **Erisman and Contardo 05**[[126]](#footnote-126)

**Because of limitations on** both **public funding** and prisoner self-funding**, a number of prison systems have turned to private donors to help support postsecondary correctional education**al programs**. In Texas, for example, donors interested in helping prisoners gain access to higher education, including corporate donors and advocacy groups, have created scholarships** through some of the public colleges and universities that provide postsecondary instruction in the state’s prison system. Virginia has two private nonproﬁ t scholarship funds that cover the cost of tuition, fees, and textbooks for some inmates taking college courses. One program is sponsored by the estate of a physician who was Learning to Reduce Recidivism 31 incarcerated as a youth, and the other is funded by a foundation named for the ﬁ rst warden at the Virginia Correctional Center for Women. While most private funding sources are too limited to support the creation of new postsecondary correctional education programs, as opposed to simply funding additional students in already established programs, there may be potential in more active fundraising efforts. In Oregon, for example, a private foundation called New Directions funds 26 percent of the state’s incarcerated college students, using funds donated by individuals, businesses, and a local community college. Minnesota has also moved in this direction in recent years (Box 4).

Neolib relies upon privatization of public goods. **Hamann 09** writes[[127]](#footnote-127)

One of the significant developments in contemporary life that might fall under the heading of ”**neolib**eralism” **can be recognized through the various ways that** the traditional **distinctions between the public and** the **private** on the one hand, **and the political and** the **personal on the other have been gradually blurred**, reversed, or re-moved altogether. The exposure of formerly private and personal realms of life has occurred not only through the more striking examples of growing government and corporate surveillance (think of the telecoms and the warrantless monitoring of elec-tronic communications paid for with taxpayer dollars or the growing use of human implantable radio-frequency identification [RFID] microchips), but, more subtly and significantly, the extent to which activities of production and consumption typically practiced in public spaces are increasingly taking place in the home, a space once exclusively reserved for leisure time and housework. It has become more and more common to find such activities as telecommuting, telemarketing, and shopping via the Internet or cable television taking place within the home. Nearly ubiquitous technologies such as the telephone, home computers with worldwide web access, pagers, mobile phones, GPS and other wireless devices have rendered private space and personal time accessible to the demands of business and, increasingly, the inter-ests of government. To put it simply, it is no longer true, as Marx once claimed, that the worker “is at home when he is not working, and when he is working he is not at home.”5Reality television, social networking sites, personal webcams and confes-sional blogging have all contributed toward exposing the private realm in ways un-foreseen by the well-known feminist adage from the 1960’s: ”the personal is politi-cal”. Within this formerly public realm we now find that private interests or pub-lic/private amalgams have gained greater control and influence. In major urban areas Business Improvement Districts (BIDs) have appropriated many traditional governing functions from financially strapped municipalities including taxation, sa-nitation, and policing. **For years the** U.S. **federal gov**ernment **has given away** traditional **public goods** such as parklands, water, and the airways **to** profit-making **businesses**, often **in exchange for** shallow and **unfulfilled promises to serve the public interest.** Many formerly public or government institutions such as hospitals, schools, and **prisons are now managed** privately **as for-profit corporations as** increasing numbers of people go without healthcare, education levels drop, and **prison populations increase.** An ongoing effort has been made to further privatize if not eliminate traditional social goods such as healthcare, welfare, and social security. In addition, problems once recognized as social ills have been shifted to the personal realm: **poverty, environmental degradation,** unemployment, **homelessness, racism, sexism, and heterosexism: all have been reinterpreted as** primarily **private matters to be dealt with through voluntary charity, the invisible hand of the market,** by **cultivating personal “sensitivity” towards others** or improving one’s own self-esteem. **Corporations, churches, universities and other institutions have made it** part of **their mission** to organize the mandatory training of employees in these and other areas of personal development and self-management. Just as illness and disease are more of-ten addressed in the mainstream media as a problem of revenue loss for business than as an effect of poor environmental or worker safety regulations, corporations have stepped up the practice of promoting full worker responsibility for their own health and welfare, offering incentives to employees for their participation in fitness training, lifestyle management and diet programs. We can also find a sustained ex-pansion of ”self-help” and ”personal power” technologies that range from the old “think and grow rich” school to new techniques promising greater control in the self-management of everything from time to anger.6These and many other examples demonstrate the extent to which **so much** that was **once understood as social and political has been re-positioned within the domain of self-governance**, often through techniques imposed by private institutions such as schools and businesses.

3. The alt fails. Engaging state policy is key to solve cap. **Callinicos 6**[[128]](#footnote-128)

The implication is that **any sustainable alt**ernative **to neo-lib**eralism has to be based, not on the market, but on democratic planning. There are some models of how this could work. One is Albert's Parecon, or participatory economics. This involves an economy of workers' and consumers' councils in which individuals and enterprises submit proposals for their share of society's resources. Then a process of gradual adjustments (Albert calls them "iteration") takes place while technical experts come up with a plan that would give everyone as much as possible of what they want. The main weakness of this model is that it mimics a bit too closely the workings of a market economy, in which claims on resources are driven by individual demands. Albert is an anarchist, and his commitment to decentralisation here goes too far. The allocation of society's resources isn't a neutral technical issue. It's a political question that requires some sort of collective and democratic decision-making process to choose between what would often be competing views of the priorities of the society in question. From this perspective, the British left wing economist Pat Devine offers a superior model of what he calls negotiated coordination. Here the allocation of resources is largely the outcome of discussion between producers, consumers, and other affected groups, but within the framework of overall decisions about economic priorities made democratically at the national and international level. Plainly there is much more to be said � and, above all, to be done � about democratic planning. All the same, the importance of the kind of work being done by Albert, Devine, and others is that they begin to break down the prejudice against planning and to sketch out how an economy that rejected the market could manage to be both democratic and efficient. Fighting for power But any break with capitalism **couldn't take the form of an instantaneous leap into a fully planned economy.** Marx long ago argued in the *Critique of the Gotha Programme* that **a new workers' state** would inherit a society deeply marked by capitalism. Initially, it **would have to make compromises with the old order, and gradually move towards a society governed by the communist principle "From each according to their ability, to each according to their needs!"** Similarly today a society breaking with capitalism would need to make a decisive shift towards an economy in which priorities were decided democratically rather than left to the anarchy of competition. This would critically involve taking control of the financial markets, nationalising under workers' control key sectors of the economy, and extending social provision on the basis of a progressive tax system that distributed wealth and income from rich to poor. These measures, radical though they are, would still leave in place many aspects of a market economy. Large sectors would remain in private hands. Continuous pressure and the introduction of new measures would be necessary to move the economy as a whole towards the principles of democratic planning. One key step would be to weaken the power of the capitalist labour market, which today rules our lives. In my view, the best way to do this would be to introduce universal direct income. In other words, every resident of the country would receive, as of right, an income that met their basic needs at a relatively low but nevertheless decent level. This would serve two goals. First, it would ensure a basic level of welfare for everyone much more efficiently than existing systems of social provision people with greater needs because they had children or were disabled or whatever would receive a higher basic income. Secondly, having a guaranteed basic income would greatly reduce the pressure on people to accept whatever job was on offer on the labour market. One of the main presuppositions of capitalism that workers have no acceptable alternative to wage labour would be removed. The balance of power between labour and capital would shift towards the workers, irrespective of the nature of their employer. More broadly, the question of power is crucial. One obvious challenge to the kind of vision of change I have just sketched out is how to ensure that the direction of **change would be towards a democratically planned economy rather than** back to **market capitalism** or maybe to the kind of state capitalism that ended up dominating the Soviet Union. The only guarantee that counts is that levers of political power are in the hands of the workers themselves. **As long as the state takes the form that it does today** a bureaucratically organised, hierarchical set of apparatuses whose managers' interests are bound up with those of capital **any improvement in society can only be temporary and fragile. This is wh**y the strategy of **ignoring the state** advocated by Holloway and others **is so foolish. If we are to move towards a democratically planned economy,** then **the existing state has to be confronted and broken.**

4. Perm do both. Total rejection of capitalism fragments resistance.

**Gibson-Graham 96**[[129]](#footnote-129)

One of our goals as Marxists has been to produce a knowledge of capitalism. Yet as “that which is known,” Capitalism has become the intimate enemy. We have uncloaked the ideologically-clothed, obscure monster, but we have installed a naked and visible monster in its place. In return for our labors of creation, the monster has robbed us of all force. We hear – and find it easy to believe – that the left is in disarray. Part of what produces the disarray of the left is the vision of what the left is arrayed against. **When capitalism is represented as a unified system coextensive with** the nation or even **the world,** when it is portrayed as crowding out all other economic forms, when it is allowed to define entire societies, **it becomes something that can only be defeated** and replaced **by a mass collective movement** (or by a process of systemic dissolution that such a movement might assist). The revolutionary taskof **replacing capitalism now seems outmoded and unrealistic**, yet we do not seem to have an alternative conception of class transformation to take its place. The old political economic “systems” and “structures” that call forth a vision of revolution as systemic replacement still seem to be dominant in the Marxist political imagination. The New World Order is often represented as political fragmentation founded upon economic unification. In this vision the economy appears as the last stronghold of unity and singularity in a world of diversity and plurality. But why can’t the economy be fragmented too? If we theorized it as fragmented in the United States, we could being to see a huge state sector (incorporating a variety of forms of appropriation of surplus labor), a very large sector of self-employed and family-based producers (most noncapitalist), a huge household sector (again, quite various in terms of forms of exploitation, with some households moving towards communal or collective appropriation and others operating in a traditional mode in which one adult appropriates surplus labor from another). None of these things is easy to see. **If capitalism takes up the available social space, there’s no room for anything else.** If capitalism cannot coexist, there’s no possibility of anything else. If capitalism functions as a unity, it cannot be partially or locally replaced. **My intent is to** help **create the discursive conception under which socialist or other noncapitalist construction becomes “realistic” present activity rather than a ludicrous or utopian goal. To achieve this I must smash Capitalism and see it in a thousand pieces**. I must make its unity a fantasy, visible as a denial of diversity and change.

5. Cap is inevitable. **Baumol 07**[[130]](#footnote-130)

At the bottom, **economic growth is essential not because humans are greedy** or excessively materialistic, **but because they want to better their lives.** This is a natural aspiration and only with more economic output can more people live a more enjoyable and satisfying existence. Of course, economic growth is not the only goal in life. As economists will be the first to point out, there are always trade-offs: More work leaves less time for play and for family. More output often is accompanied by an increase in unwelcome side effects, such as pollution. But **at the end of the day, the richer societies are, the more resources they will have** to address the side effects of growth as well as the various maladies that shorten lives or make them less satisfying.

## AT Vohs Determinism K

Omitted.

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   Jamaal spends countless hours playing chess at various parks in major U.S. cities and on-line with people from around the world. He has travelled extensively, including to Morocco, Argentina, Turkey and Saudi Arabia. Jamaal covers college and careers through a Gates Foundation grant.) “Exploring the Use of Pell Grants To Go From Prison to College.” 10 December 2012. <http://www.youthtoday.org/view_article.cfm?article_id=5729> [↑](#footnote-ref-1)
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